

EXHIBIT A



**Consulate General of the United States of America
Ho Chi Minh City**
Website: <https://vn.usembassy.gov>
Contact Us: <https://vn.usembassy.gov/nivcontact>

Dear Mr. ROBERT PETER BERG,

This is to inform you that you have been found ineligible for a nonimmigrant visa under Section 214(b) of the U.S. Immigration and Nationality Act. A denial under Section 214(b) means that you were not able to demonstrate that your intended activities in the United States would be consistent with the classification of the nonimmigrant visa for which you applied.

While nonimmigrant visa classifications each have their own unique requirements, one requirement shared by many of the nonimmigrant visa categories is for the applicant to demonstrate that he/she has a residence in a foreign country which he/she has no intention of abandoning. Applicants usually meet this requirement by demonstrating that they have strong ties overseas that indicate that they will return to a foreign country after a temporary visit to the United States. Such ties include professional, work, school, family, or social links to a foreign country. You have not demonstrated that you have the ties that will compel you to return to your home country after your travel to the United States.

Today's decision cannot be appealed. However, you may reapply at any time. If you decide to reapply, you must submit a new application form and photo, pay the visa application fee again, and make a new appointment to be interviewed by a consular officer. If you choose to reapply, you should be prepared to provide information that was not presented in your original application, or to demonstrate that your circumstances have changed since that application.

Sincerely,

A handwritten signature in black ink, appearing to read "N. M. BERG".

Consular Officer

Forwarded message —

From: HCMC Consular Info <HCMCInfo@state.gov>
Date: Thu, Aug 15, 2019 at 10:11 AM
Subject: RE: E4129461 - I've already been interviewed. What is the status of my case?
To: bobberongina@gmail.com <bobberongina@gmail.com>

Dear Sir/Madam.

Thank you for your inquiry.

Please be informed that your application for a nonimmigrant visa was refused under Section 214(b) of the Immigration and Nationality Act. You were found ineligible because you could not overcome the presumption of immigration contained in US laws. Please find attached the Refusal Letter.

If you have further questions, please do not reply to this email. Instead, please submit your inquiry to: <https://m.viembassy.gov/Visas/nonimmigrant-visa-inquiry-form>.

Sincerely,

Information and Public Outreach Team
Consular Section
U.S. Consulate General in Ho Chi Minh City - Vietnam
Website: <https://m.viembassy.gov/>
Facebook: <https://www.facebook.com/achochiminh.usconsulate/>

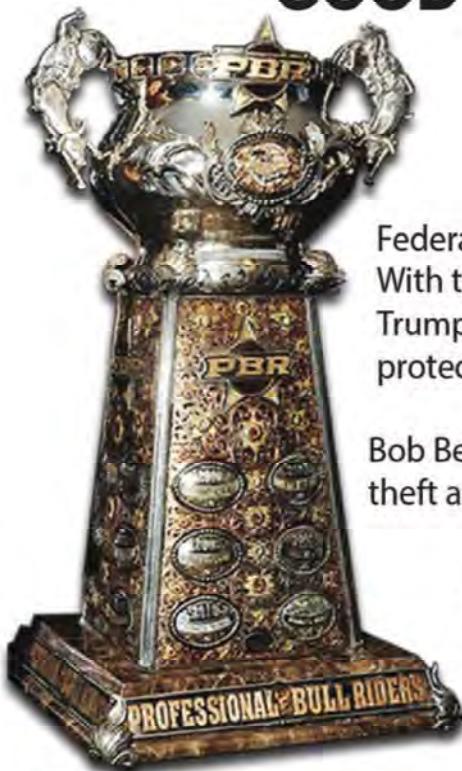
Official
UNCLASSIFIED

From: do-not-reply@viembassy.gov [mailto:do-not-reply@viembassy.gov]
Sent: Thursday, August 15, 2019 11:29 AM
To: HCMC NIV Info
Subject: E4129461 - I've already been interviewed. What is the status of my case?

Select NIV Section: Ho Chi Minh City
Applicant's Full Name: ROBERT PETER BERG
Passport Number: E4129461
Applicants Date of Birth: 10/22/1952
Your Full Name: ROBERT PETER BERG
Email Address: bobberongina@gmail.com
Phone number (in Vietnam): 0704461791
Subject: I've already been interviewed. What is the status of my case?

Message Text: I applied last year for a business Visa for short business trip as I now live in Da Lat Viet Nam where I run my factory with 80 workers but no reply as yet.
My business license attached and Viet Nam resident card.
I recently contacted an attorney in NY to take my copyright infringement case with so many defendants.
I will need to appear or depositions and testify in federal court in the future. I don't know dates yet but attorneys will notify in advance, expected damages several million US
IP Address: 113.182.198.65

GOOD NEWS FOR BOB BERG CUSTOMERS



Federal Copyright Law protects Bob Berg Products. With the recent push in draining the Swamp, Trump clamping down on IP theft in America and private enterprises protecting their investment in the US economy.

Bob Berg states "we need to clean up our back yard" from IP theft and in particular the homeless in America is a disgrace to the system."

In a recent investigation into the pyrates infringing the unique designs of Bob Berg and duplicating Berg's Copyrights by his IT team, a large cluster of counterfeiters came to light and now under pending Court Rulings on the their individual cases.

The following are the offenders:

Company Name	Number of infringement	Company Name	Number of infringement
BENCHMARKBUCKLES	97	ACUTABOVE BUCKLES	58
CORRIENTE BUCKLE	68	RUNNING P	38
HYO SILVER	81	SHOWTIME AWARDS	31
Mortenson Silver & Saddles	17	KBARSAM BUCKLES & MORE	7
ROWDY SILVER	45	CCBUCKLES	28
R + B RUSTY BADILLO	17	CROSS ROADS BUCKLES	57
BULLSTRONG	15	KELLY SLOVER	58
MOLLY'S	35	MAYNARD BUCKLES	66
EDDY FISHER	58	SKYLINE VAQUERO BUCKLE	87
SHEAMICHELLE BUCKLES	81	LEGENDTACKANDSILVER	11
MONTANA	35	HUE NGUYEN DESIGNS	5
GIST	58	MONSOON SILVER	64
LONE STAR SILVER SMITH	76	CAVENDERS	12
TRES RIOS BUCKLE	60	M&F WESTERN PRODUCTS	10

List of Bob Bergs registered copyrights. Dating back to the late 80's this was planned prior to 1988 to protect his designs in America.

Prior to committing to multi milion dollar investment needed to qualify for an E2 investment visa in 1991.



1992 Team Roping winners Clay O'Brien Cooper and Jake Barnes, Amy Alexander and Brenda McKinney accept the buckles for the winners. Marlene Martinez presents the buckles on behalf of The Security State Bank of Pecos and Pecos Insurance Agency.

Pecos world first rodeo
First rodeo to present
Bob Berg Buckle 1992

Buy the best forget the rest

EXHIBIT B

From: Clint Mortenson <info@silverandsaddles.com>
Sent: Thursday, June 18, 2020 11:54 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: FW: LEGAL NOTICE that we received Bob Berg

Paul, below and attached is correspondence we received from Bob Berg.

From: Bob Berg <bobbergtitanium@gmail.com>
Date: Friday, March 27, 2020 at 12:53 AM
To: Clint Mortenson <info@silverandsaddles.com>
Subject: LEGAL NOTICE

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC

Reprsenting:
BOB BERG DESIGNS
9595 River Road
College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

MORTENSON SILVER & SADDLES

96 Bonanza Creek Road Santa Fe, NM 87508

Phone number: (505) 424-9330

Email: info@silverandsaddles.com

Greetings Mortenson Silver & Saddles,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and

be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

17 X \$150,000 = \$2.550,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees
2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

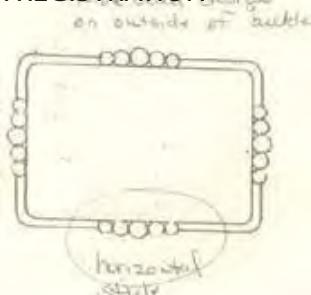
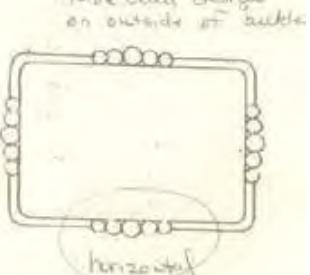
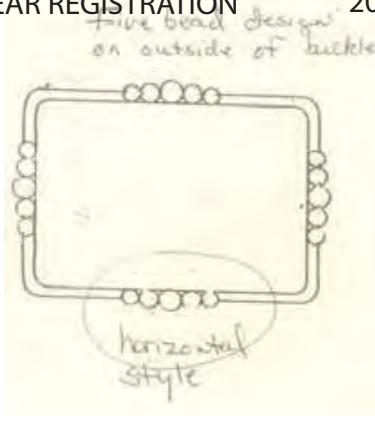
Regard.

BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

VA number	Date Registered	Title
VA0000292803	1988	Be like Jesus
VA0000530294	1992	Pecos . Cheyenne . Oval . Skull
VA0000547192	1993	Feather ; Crescent ; Small filigree
VA0000817815	1995	Bandera collection
VA0001076361	2000	[ProBull Rider champion cup]
VA0001091617	2000	Bob Berg jewelry
VA0001096096	2000	Pro bull rider champion buckle.
VA0001653343	2000	Bob Berg Concho Designs
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands
VA0001108395	2001	[Bob Berg jewelry - Bob Berg buckles]
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
VA0001667450	2004	New Buckle 001 - Non Symetrical
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001315067	2017	Update Turquoise Collection
VAu001312778	2017	Update Turquoise Collection_V2

COMPANY: MORTENSON SILVER & SADDLES
 Adress: 96 Bonanza Creek Road Santa Fe, NM 87508
 Phone number: (505) 424-9330
 Website: www.silverandsaddles.com
 Email: info@silverandsaddles.com

MORTENSON SILVER & SADDLES	COPYRIGHT	VA
YEAR INFRINGEMENT 2016 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
YEAR INFRINGEMENT 2012 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
YEAR INFRINGEMENT 2012 	YEAR REGISTRATION 2000 	 COPY OF DEPOSIT VA 1-091-617
YEAR INFRINGEMENT 2018 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-091-617

MORTENSON
SILVER & SADDLES

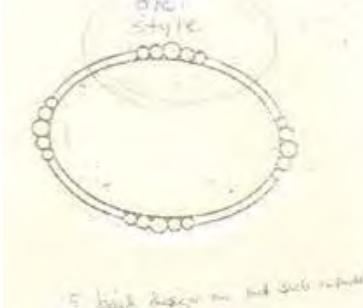
COPYRIGHT

VA

YEAR INFRINGEMENT 2018



YEAR REGISTRATION 2002

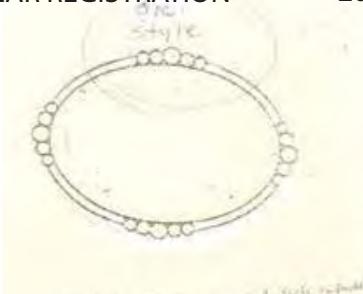
COPY OF DEPOSIT
VA 1-159-548

DATE DISCORVED: 02-04-2019

YEAR INFRINGEMENT 2018



YEAR REGISTRATION 2002

COPY OF DEPOSIT
VA 1-159-548

DATE DISCORVED: 02-04-2019

YEAR INFRINGEMENT 2018



YEAR REGISTRATION 2002

COPY OF DEPOSIT
VA 1-159-548

DATE DISCORVED: 02-04-2019

YEAR INFRINGEMENT 2018

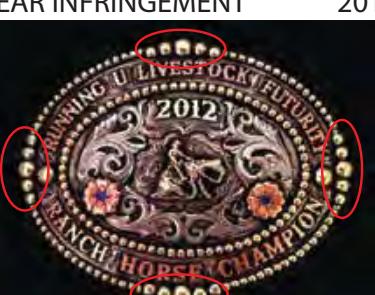


YEAR REGISTRATION 2002

COPY OF DEPOSIT
VA 1-159-548

DATE DISCORVED: 02-04-2019

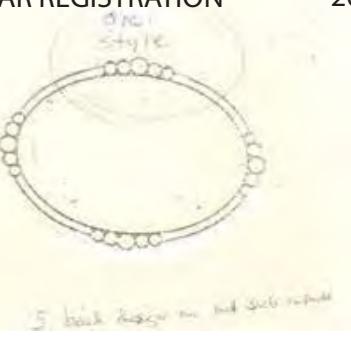
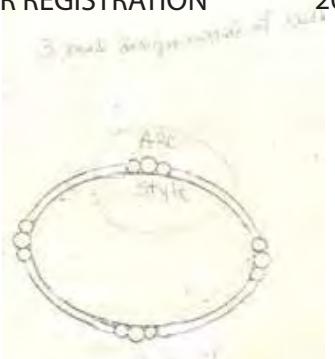
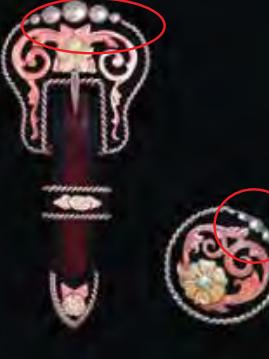
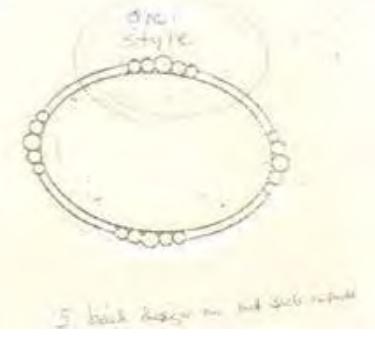
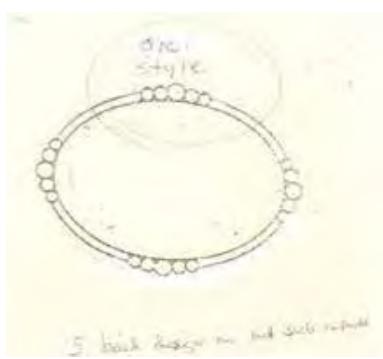
YEAR INFRINGEMENT 2018

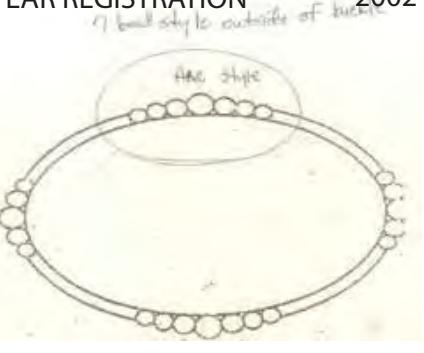
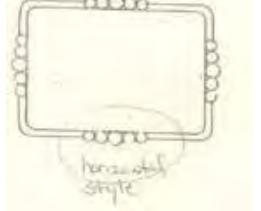
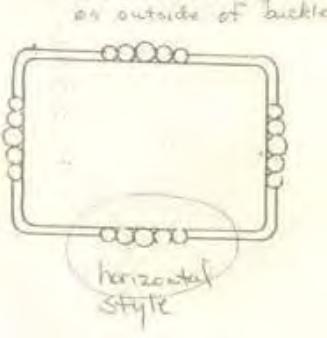
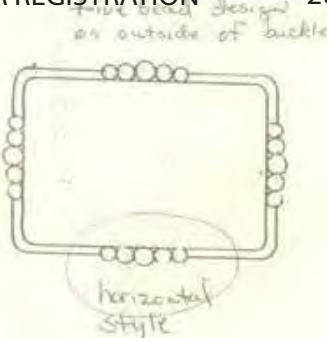


YEAR REGISTRATION 2002

COPY OF DEPOSIT
VA 1-159-548

DATE DISCORVED: 02-04-2019

MORTENSON SILVER & SADDLES		COPYRIGHT		VA
YEAR INFRINGEMENT	2016	YEAR REGISTRATION	2002	 COPY OF DEPOSIT VA 1-159-548
				
DATE DISCORVED: 02-04-2019				
YEAR INFRINGEMENT	2016	YEAR REGISTRATION	2002	 COPY OF DEPOSIT VA 1-159-548
				
DATE DISCORVED: 02-04-2019				
YEAR INFRINGEMENT	2016	YEAR REGISTRATION	2002	 COPY OF DEPOSIT VA 1-159-548
				
DATE DISCORVED: 02-04-2019				
YEAR INFRINGEMENT	2018			 COPY OF DEPOSIT VA 1-159-548
				
DATE DISCORVED: 02-04-2019				

MORTENSON SILVER & SADDLES		COPYRIGHT	VA
YEAR INFRINGEMENT 	2018	YEAR REGISTRATION 	2002 1 ball style outside of buckle ANL style COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 02-04-2019			
YEAR INFRINGEMENT 	2018	YEAR REGISTRATION 	2002 2 ball style outside of buckle horizontal style COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 02-04-2019			
YEAR INFRINGEMENT 	2018	YEAR REGISTRATION 	2002 3 ball bead design on outside of buckle horizontal style COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 02-04-2019			
YEAR INFRINGEMENT 	2018	YEAR REGISTRATION 	2002 4 ball bead design on outside of buckle horizontal style COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 02-04-2019			

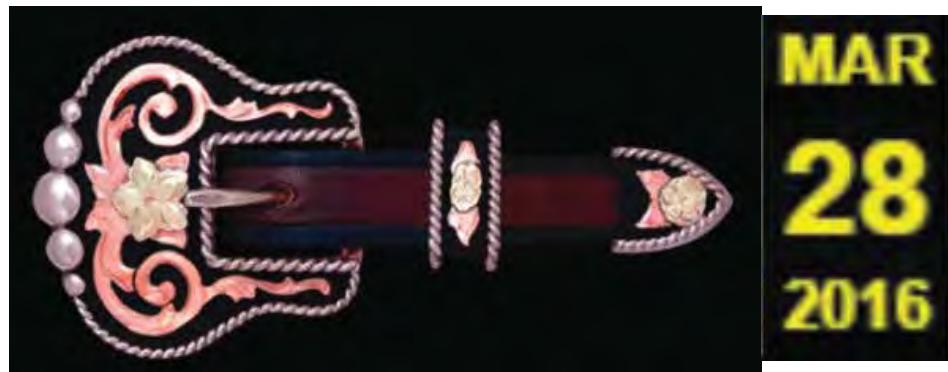
17 INFRINGEMENTS COPYRIGHT
ALL ABOVE ARE INFRINGEMENTS
COPYRIGHT DEPOSIT PROOF ATTACHED



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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT BERG, §
§
Plaintiff §
§
vs. § Case No. 6:19-cv-418-JDK
§
M&F WESTERN PRODUCTS, INC., §
§
Defendant. §

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April , 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Dated: March 4, 2020

Respectfully submitted,

By: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

*Attorneys for Defendant M & F Western
Products, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

John R. Hardin

A large black rectangular redaction box on the left side of the page.A large black rectangular redaction box in the center of the page, containing several lines of text.

From: Rusty Badillo <rb_buckles@yahoo.com>
Sent: Friday, October 9, 2020 11:51 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: Fwd: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

From: Bob Berg <bobbergtitanium@gmail.com>
Date: April 15, 2020 at 2:26:40 AM CDT
To: Rusty Badillo <rb_buckles@yahoo.com>
Subject: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

HI THERE,
ATTACHED IS LASTEST ON THE LITIGATION OF INFRINGERS OF BOB
BERG DESIGNS M AND F DEMAND FOR TRIAL
IF YOU WANT TO AVOID THE SAME DAMGES, DELETE THESE
INFRINGEMENTS ASAP AND POSSIBLY AVOID LITIGATION.
BOB BERG

--

Kind Regards,
Customer Service Department, Bob Berg Designs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

ROBERT BERG,

Plaintiff,

Docket No. 6:19-cv-0418

- against -

JURY TRIAL DEMANDED

M & F WESTERN PRODUCTS, INC.

Defendant.

AMENDED COMPLAINT

Plaintiff Robert Berg (“Berg” or “Plaintiff”) by and through his undersigned counsel, as and for his Amended Complaint against Defendant M & F Western Products, Inc. (“M & F” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted designs, owned and registered by Berg, a professional designer. Accordingly, Berg seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in Texas.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Berg, a native of Australia, is a professional designer who currently resides in Vietnam. Currently, Berg is unable to travel to the United States due to visa issues, as well as due to the pandemic.

6. Upon information and belief, M & F is a domestic business corporation organized and existing under the laws of the State of Texas, with a place of business at 1303 Holiday Drive, Sulphur Springs, Texas 75482. Upon information and belief M & F is registered with the Texas Department of State Division of Corporations to do business in the State of Texas.

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Designs

7. In the late 1970s, Berg was a rodeo performer and silversmith in Australia who began designing and selling western jewelry.

8. After an injury ended his rodeo career, Berg expanded his jewelry business. Although he focused on belt buckles, he also began to design, produce, and sell western-style rings, necklaces, bracelets, conchos, spurs, knives, and three-piece buckle sets.

9. In 1993, Berg moved to Bandera, Texas, to pursue the western jewelry market in the United States. Berg continued to design jewelry and buckles which have a distinctive "look" consisting of the following original elements: black background, the use of "tri-color" (red, green, and yellow) gold; a layer of scrollwork with a vine design, a layer of leaves, and a third layer of flowers; and, when edged, use of a raised silver edge with large tapered beads. Hand-cut and soldered scrollwork and lettering characterize Bob Berg

designs. Berg initiated the technique of stacking tri-color gold to achieve a three-dimensional look in his buckles and jewelry.

10. By 2000, Berg's jewelry designs had become well-known in the United States and Texas. For example, he was asked to design the trophy cup for the world championship professional bull riding competition. He also built championship buckles for prominent rodeo committees across the United States and supplied buckles to the champions of the Australian Pro Rodeo Association for over two decades.

11. Between 2000 and 2003, Berg created original designs consisting of Western-styled jewelry and belt buckles that are the subject of this lawsuit (collectively the "Designs"). A true and correct copy of some of the Designs are attached hereto as Exhibit A.

12. In 2000, Berg created a stylized and intricate design of a cross with angular corners (the "Angular Cross") and registered it with the U.S. Copyright Office under No. VA 1-091-617, with effective date of June 12, 2000 (the "617 Registration"). Attached as Exhibit B is a true and correct copy of the 617 Registration, as maintained by the U.S. Copyright Office's website.

13. In 2002, Berg created a stylized and intricate design for an oval belt buckle (the "Oval Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002 (the "548 Registration"). Attached as Exhibit C is a true and correct copy of the 548 Registration, as maintained by the U.S. Copyright Office's website.

14. In 2002, Berg created a stylized and intricate design for a rectangular belt buckle (the "Rectangular Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002. See Exhibit C.

15. In 2003, Berg created a stylized and intricate design for a cross with linear

corners (the “Linear Cross”) and registered it with the U.S. Copyright Office under No. VA

1-229-288, with effective date of August 29, 2003 (the “288 Registration”). Attached as

Exhibit D is a true and correct copy of the 288 Registration, as maintained by the U.S.

Copyright Office’s website (the “288 Registration”).

16. Berg is the author of the Designs and has at all times been the sole owner of all right, title and interest in and to the Designs, including the copyright thereto.

17. Upon information and belief, in late 2004/early 2005, an individual named Gary Bellinger, who supplied products to M&F, gained access to Plaintiff’s molds and designs, including the Designs at issue here. Bellinger was not an employee of Berg. He was an independent manufacturer of belts in Mexico. However, because Bellinger was a major industry player who spoke the local language and knew everyone, Bellinger had access (through Berg’s ex-wife) to Berg’s jewelry factory in Mexico where Berg’s belt buckles were manufactured.

18. Upon information and belief, Bellinger gained access to Berg’s copyrighted molds for his designs in 2005 and then distributed them to M&F without Berg’s knowledge or authorization.

B. Defendant’s Infringing Activities

19. Upon information and belief, sometime in 2005 or thereafter, M & F created their own products copying the Designs for their products and mass producing them. Some examples are attached hereto as Exhibit A.

20. Upon information and belief, Defendant may also have infringed other copyrighted designs created by Plaintiff which are not identified in this complaint.

21. M & F did not license the Designs from Plaintiff, nor did M & F have Plaintiff’s permission or consent to use the Designs.

22. Berg did not know back in 2005 that Bellinger gave M&F access to Berg’s copyrighted design molds. Berg did not actually discover M&F’s infringement until 2019.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

23. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-22 above.

24. M & F infringed Plaintiff's copyright in the Designs by reproducing, using, distributing and/or publicly displaying the Designs on the Website. M & F is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Designs.

25. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

26. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

27. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement

28. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Designs, pursuant to 17 U.S.C. § 504(c).

29. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant M & F be adjudged to have infringed upon Plaintiff's copyrights in the Designs in violation of 17 U.S.C §§ 106 and 501;
2. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
3. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Designs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
4. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
5. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 1, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580 Tel:
(516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Robert Berg



From: Chad Gist <chad@gistsilversmiths.com>
Sent: Friday, October 9, 2020 10:54 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: Fwd: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

Begin forwarded message:

From: Bob Berg <bobbergtitanium@gmail.com>
Subject: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE
Date: April 15, 2020 at 12:32:55 AM PDT
To: info@gistsilversmiths.com

GREETINGS GIST,
ATTACHED IS LASTEST ON THE LITIGATION OF INFRINGERS OF BOB
BERG DESIGNS M AND F DEMAND FOR TRIAL
IF YOU WANT TO AVOID THE SAME DAMGES, DELETE THESE
INFRINGEMENTS ASAP AND POSSIBLY AVOID LITIGATION.
BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

ROBERT BERG,

Plaintiff,

Docket No. 6:19-cv-0418

- against -

JURY TRIAL DEMANDED

M & F WESTERN PRODUCTS, INC.

Defendant.

AMENDED COMPLAINT

Plaintiff Robert Berg (“Berg” or “Plaintiff”) by and through his undersigned counsel, as and for his Amended Complaint against Defendant M & F Western Products, Inc. (“M & F” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted designs, owned and registered by Berg, a professional designer. Accordingly, Berg seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in Texas.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Berg, a native of Australia, is a professional designer who currently resides in Vietnam. Currently, Berg is unable to travel to the United States due to visa issues, as well as due to the pandemic.

6. Upon information and belief, M & F is a domestic business corporation organized and existing under the laws of the State of Texas, with a place of business at 1303 Holiday Drive, Sulphur Springs, Texas 75482. Upon information and belief M & F is registered with the Texas Department of State Division of Corporations to do business in the State of Texas.

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Designs

7. In the late 1970s, Berg was a rodeo performer and silversmith in Australia who began designing and selling western jewelry.

8. After an injury ended his rodeo career, Berg expanded his jewelry business. Although he focused on belt buckles, he also began to design, produce, and sell western-style rings, necklaces, bracelets, conchos, spurs, knives, and three-piece buckle sets.

9. In 1993, Berg moved to Bandera, Texas, to pursue the western jewelry market in the United States. Berg continued to design jewelry and buckles which have a distinctive "look" consisting of the following original elements: black background, the use of "tri-color" (red, green, and yellow) gold; a layer of scrollwork with a vine design, a layer of leaves, and a third layer of flowers; and, when edged, use of a raised silver edge with large tapered beads. Hand-cut and soldered scrollwork and lettering characterize Bob Berg

designs. Berg initiated the technique of stacking tri-color gold to achieve a three-dimensional look in his buckles and jewelry.

10. By 2000, Berg's jewelry designs had become well-known in the United States and Texas. For example, he was asked to design the trophy cup for the world championship professional bull riding competition. He also built championship buckles for prominent rodeo committees across the United States and supplied buckles to the champions of the Australian Pro Rodeo Association for over two decades.

11. Between 2000 and 2003, Berg created original designs consisting of Western-styled jewelry and belt buckles that are the subject of this lawsuit (collectively the "Designs"). A true and correct copy of some of the Designs are attached hereto as Exhibit A.

12. In 2000, Berg created a stylized and intricate design of a cross with angular corners (the "Angular Cross") and registered it with the U.S. Copyright Office under No. VA 1-091-617, with effective date of June 12, 2000 (the "617 Registration"). Attached as Exhibit B is a true and correct copy of the 617 Registration, as maintained by the U.S. Copyright Office's website.

13. In 2002, Berg created a stylized and intricate design for an oval belt buckle (the "Oval Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002 (the "548 Registration"). Attached as Exhibit C is a true and correct copy of the 548 Registration, as maintained by the U.S. Copyright Office's website.

14. In 2002, Berg created a stylized and intricate design for a rectangular belt buckle (the "Rectangular Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002. See Exhibit C.

15. In 2003, Berg created a stylized and intricate design for a cross with linear

corners (the “Linear Cross”) and registered it with the U.S. Copyright Office under No. VA

1-229-288, with effective date of August 29, 2003 (the “288 Registration”). Attached as

Exhibit D is a true and correct copy of the 288 Registration, as maintained by the U.S.

Copyright Office’s website (the “288 Registration”).

16. Berg is the author of the Designs and has at all times been the sole owner of all right, title and interest in and to the Designs, including the copyright thereto.

17. Upon information and belief, in late 2004/early 2005, an individual named Gary Bellinger, who supplied products to M&F, gained access to Plaintiff’s molds and designs, including the Designs at issue here. Bellinger was not an employee of Berg. He was an independent manufacturer of belts in Mexico. However, because Bellinger was a major industry player who spoke the local language and knew everyone, Bellinger had access (through Berg’s ex-wife) to Berg’s jewelry factory in Mexico where Berg’s belt buckles were manufactured.

18. Upon information and belief, Bellinger gained access to Berg’s copyrighted molds for his designs in 2005 and then distributed them to M&F without Berg’s knowledge or authorization.

B. Defendant’s Infringing Activities

19. Upon information and belief, sometime in 2005 or thereafter, M & F created their own products copying the Designs for their products and mass producing them. Some examples are attached hereto as Exhibit A.

20. Upon information and belief, Defendant may also have infringed other copyrighted designs created by Plaintiff which are not identified in this complaint.

21. M & F did not license the Designs from Plaintiff, nor did M & F have Plaintiff’s permission or consent to use the Designs.

22. Berg did not know back in 2005 that Bellinger gave M&F access to Berg’s copyrighted design molds. Berg did not actually discover M&F’s infringement until 2019.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

23. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-22 above.

24. M & F infringed Plaintiff's copyright in the Designs by reproducing, using, distributing and/or publicly displaying the Designs on the Website. M & F is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Designs.

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3. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Designs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
4. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
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6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 1, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580 Tel:
(516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Robert Berg

[REDACTED]

From: Andy Andrews <acutabovesilver@hotmail.com>
Sent: Friday, October 9, 2020 10:37 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: Fw: LEGAL NOTICE

We did not respond to this email.

Andy Andrews
A Cut Above Buckles Inc.
949-636-4593

From: A Cut Above Buckles Custom Order <customorder@acutabovebuckles.com>
Sent: Friday, October 9, 2020 8:34 AM
To: Andy Andrews <acutabovesilver@hotmail.com>
Subject: Fwd: LEGAL NOTICE

Get [Outlook for iOS](#)

From: Bob Berg <bobbergtitanium@gmail.com>
Sent: Thursday, March 26, 2020 10:13:00 PM
To: A Cut Above Buckles Custom Order <customorder@acutabovebuckles.com>
Subject: LEGAL NOTICE

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Reprsenting:
BOB BERG DESIGNS
9595 River Road

College Station, TX
77845

Monique Compton (Sales Director)
Phone Number: 979.412.3520
Email: bobbergtitanium@gmail.com

ACUTABOVE BUCKLES

Phone number: (951) 600-0444

Email: customorder@acutabovebuckles.com

Greetings ,

My IT team has been working on your case over the last 3 months. Yourreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

58 X \$150,000 = \$8.700,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees
2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

--

Kind Regards,

Customer Service Department, Bob Berg Designs

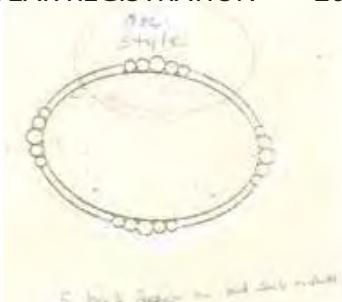
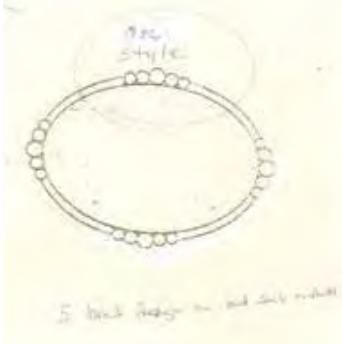
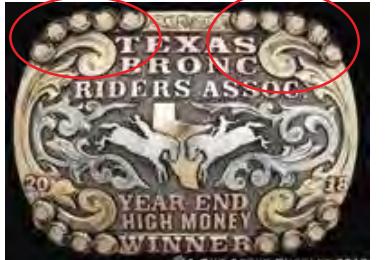
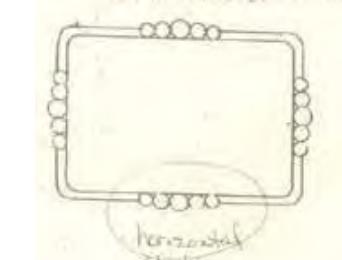
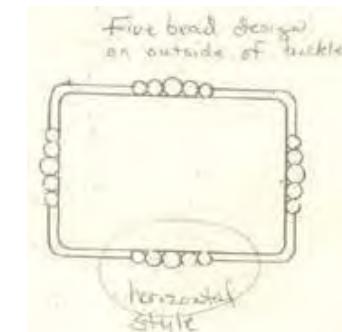
VA number	Date Registered	Title
VA0000292803	1988	Be like Jesus
VA0000530294	1992	Pecos . Cheyenne . Oval . Skull
VA0000547192	1993	Feather ; Crescent ; Small filigree
VA0000817815	1995	Bandera collection
VA0001076361	2000	[ProBull Rider champion cup]
VA0001091617	2000	Bob Berg jewelry
VA0001096096	2000	Pro bull rider champion buckle.
VA0001653343	2000	Bob Berg Concho Designs
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands
VA0001108395	2001	[Bob Berg jewelry · Bob Berg buckles]
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
VA0001667450	2004	New Buckle 001 - Non Symetrical
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001315067	2017	Update Turquoise Collection
VAu001312778	2017	Update Turquoise Collection_V2

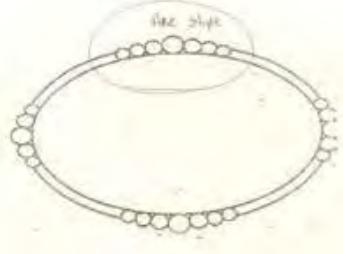
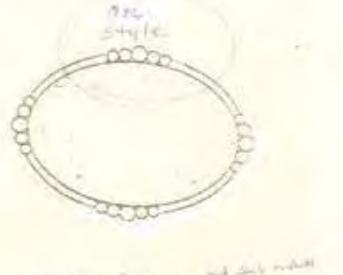
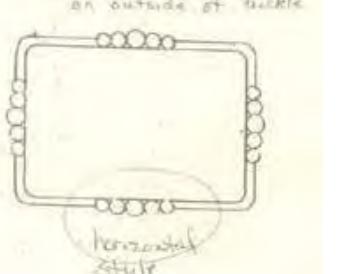
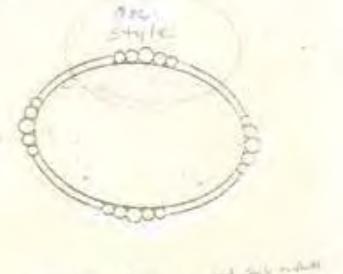
COMPANY: ACUTABOVE BUCKLES

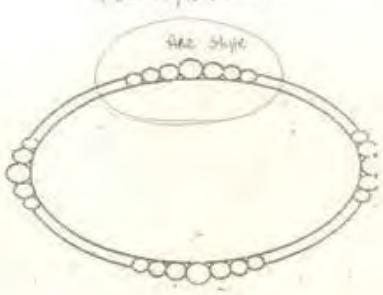
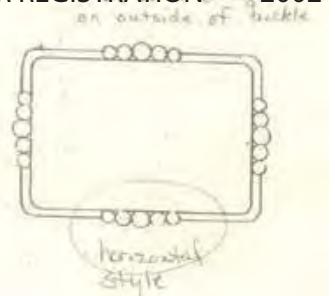
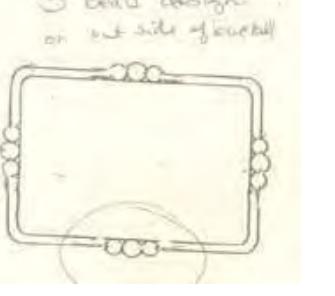
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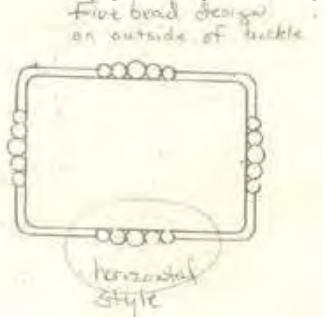
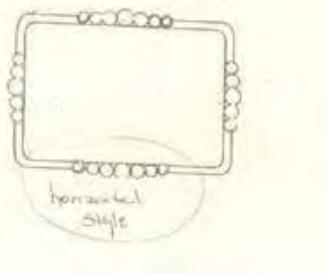
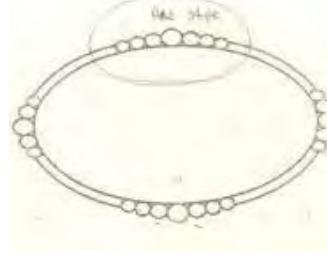
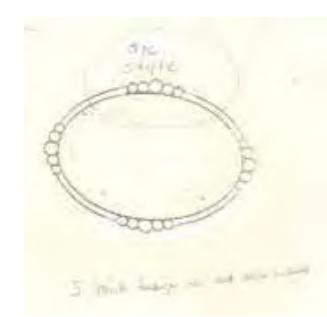
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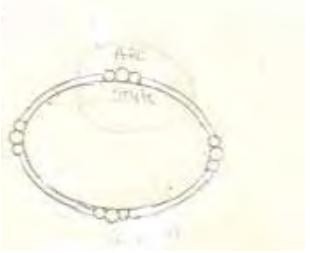
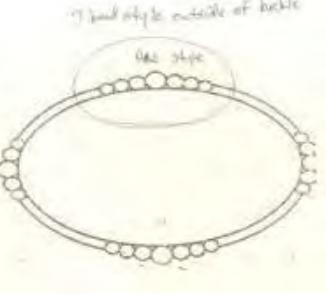
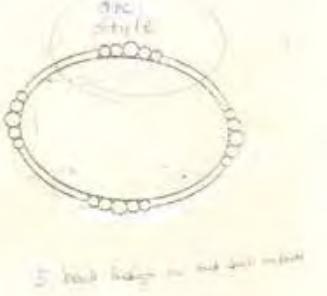
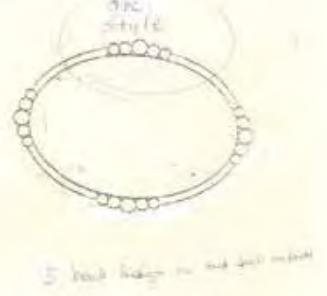
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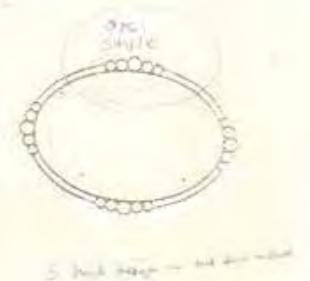
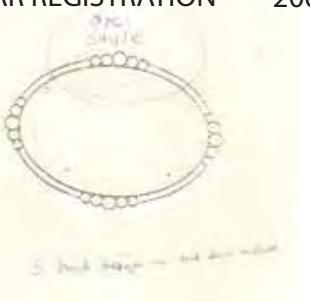
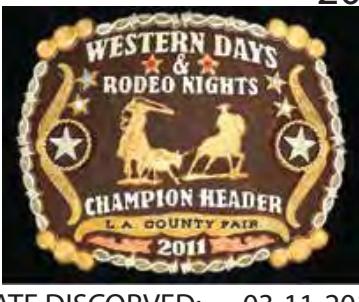
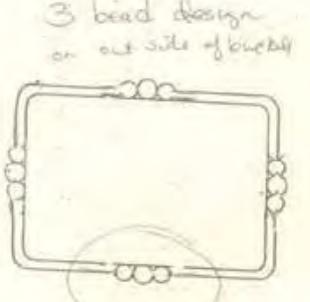
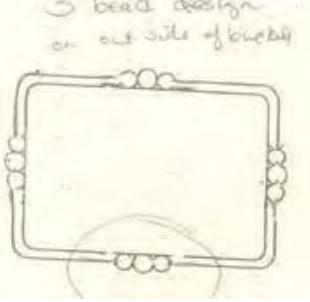
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YEAR INFRINGEMENT 2019  DATE DISCORVED: 03-11-2019	YEAR REGISTRATION 2002  5 bead design on outside of buckle	SEAL OF THE UNITED STATES COPYRIGHT OFFICE 1870 COPY OF DEPOSIT VA 1-159-548
YEAR INFRINGEMENT 2018  DATE DISCORVED: 03-11-2019	YEAR REGISTRATION 2002  5 bead design on outside of buckle	SEAL OF THE UNITED STATES COPYRIGHT OFFICE 1870 COPY OF DEPOSIT VA 1-159-548
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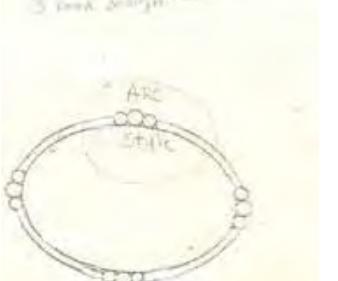
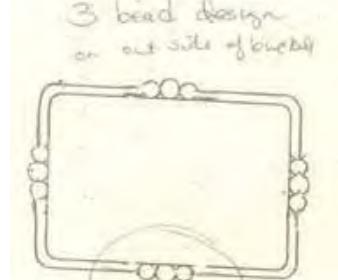
ACUTABOVE BUCKLES	COPYRIGHT	VA
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DATE DISCORVED: 03-11-2019		
YEAR INFRINGEMENT 2016 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 03-11-2019		
YEAR INFRINGEMENT 2015 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 03-11-2019		
YEAR INFRINGEMENT 2015 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 03-11-2019		
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DATE DISCORVED: 03-11-2019		

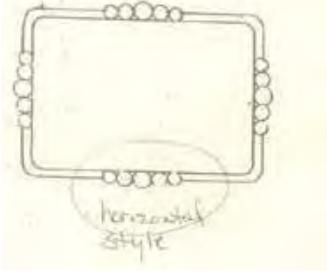
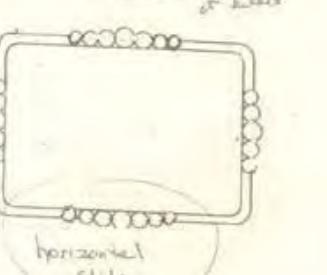
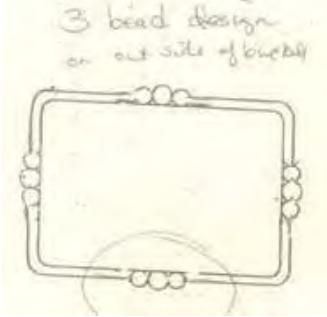
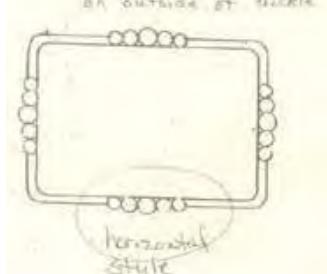
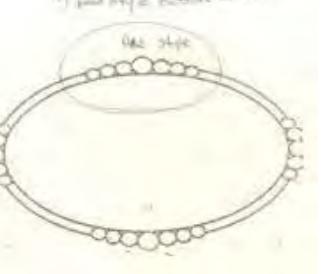
ACUTABOVE BUCKLES	COPYRIGHT	VA
YEAR INFRINGEMENT 2015  DATE DISCORVED: 03-11-2019	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
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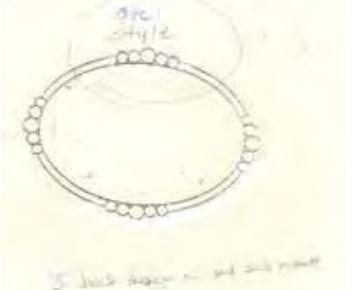
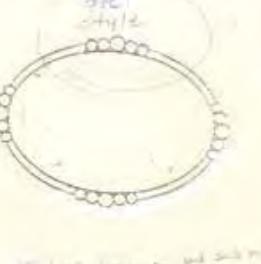
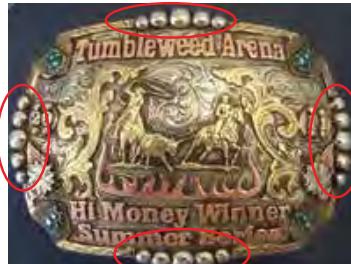
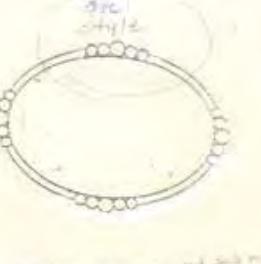
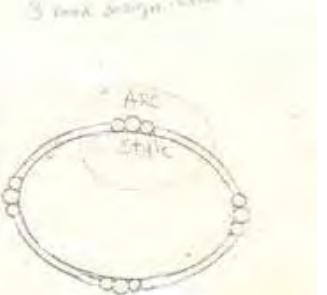
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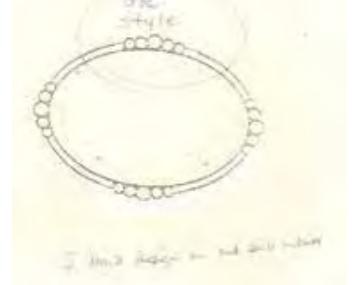
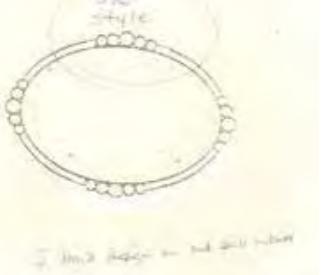
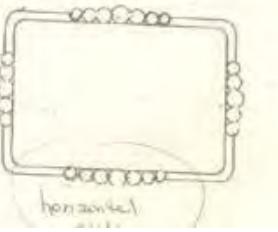
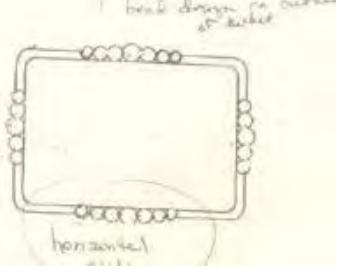
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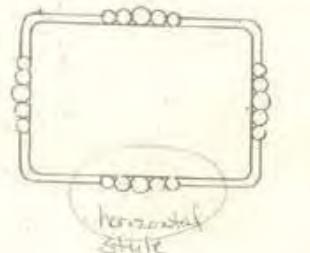
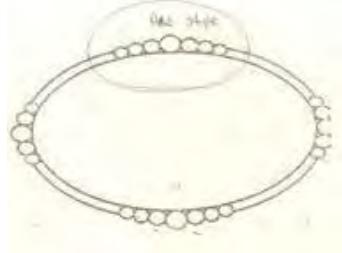
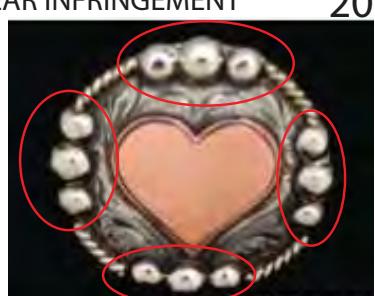
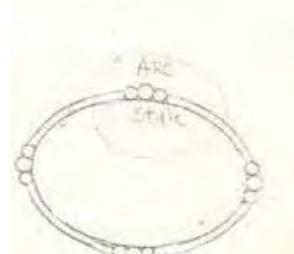
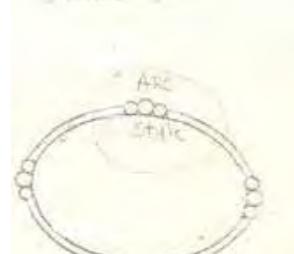
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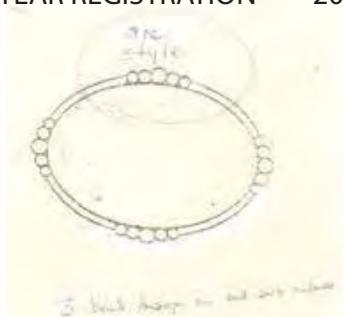
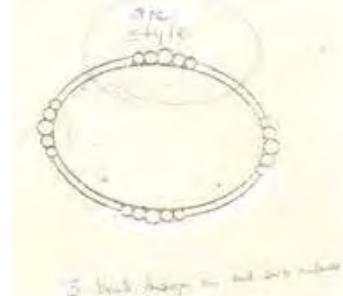
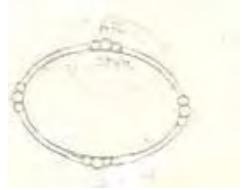
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DEC
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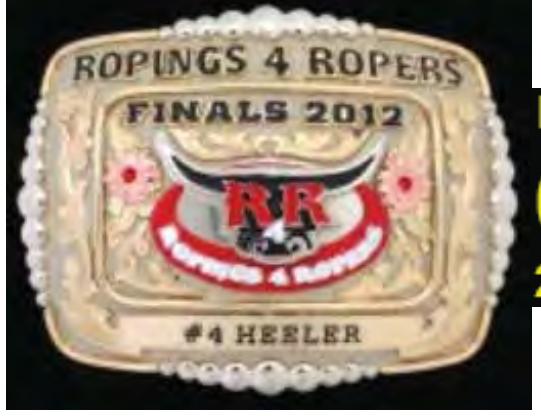
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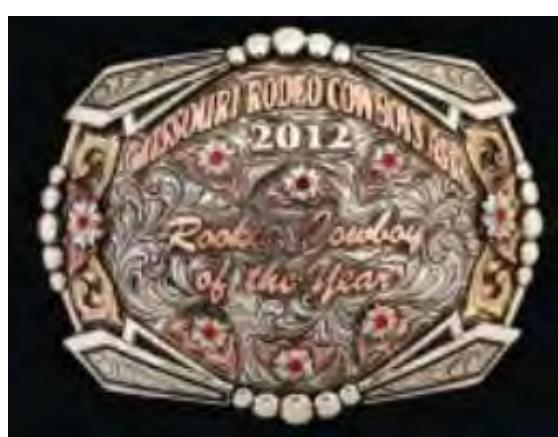
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT BERG, §
§
Plaintiff §
§
vs. § Case No. 6:19-cv-418-JDK
§
M&F WESTERN PRODUCTS, INC., §
§
Defendant. §

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April , 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Dated: March 4, 2020

Respectfully submitted,

By: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
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KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

*Attorneys for Defendant M & F Western
Products, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

John R. Hardin



From: curtis@benchmarkbuckles.com <curtis@benchmarkbuckles.com>
Sent: Friday, October 9, 2020 11:26 AM
To: Paul Eddins <paul@mfwestern.com>
Subject: [FWD: LEGAL NOTICE]

CURTIS SPAIN
PO Box 2727
Forney, TX 75126
(214)803-4039
www.benchmarkbuckles.com

----- Original Message -----

Subject: LEGAL NOTICE
From: Bob Berg <bobbergtitanium@gmail.com>
Date: Thu, March 26, 2020 11:23 pm
To: CURTIS@benchmarkbuckles.com

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Reprsenting:
BOB BERG DESIGNS
9595 River Road
College
Station, TX 77845

Monique Compton (Sales Director)
Phone Number: 979.412.3520
Email: bobbergtitanium@gmail.com

BENCHMARKBUCKLES

CURTIS SPAIN

PO BOX 2727 FORNEY, TX 75126

Email: CURTIS@BENCHMARKBUCKLES.COM

Phone number: (214) 803-4039

Attention Curtis Spain,

My IT team has been working on your case over the last 3 months. Your reckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages
10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers.

However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2, LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAYS NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works. So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow if proven

$97 \times \$150,000 = \$14,550,000$ (Evidence gathered in a 2 years investigated by FBI case

295A-DL-2161823 shows wreckless disregard, and willful, funds hidden, and laundered as **ATTACHED 4**

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case.

Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email:

RL@liebowitzlawfirm.com phone number: 516-233-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees
2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

VA number	Date Registered	Title
VA0000292803	1988	Be like Jesus
VA0000530294	1992	Pecos . Cheyenne . Oval . Skull
VA0000547192	1993	Feather ; Crescent ; Small filigree
VA0000817815	1995	Bandera collection
VA0001076361	2000	[ProBull Rider champion cup]
VA0001091617	2000	Bob Berg jewelry
VA0001096096	2000	Pro bull rider champion buckle.
VA0001653343	2000	Bob Berg Concho Designs
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands
VA0001108395	2001	[Bob Berg jewelry · Bob Berg buckles]
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
VA0001667450	2004	New Buckle 001 - Non Symetrical
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001315067	2017	Update Turquoise Collection
VAu001312778	2017	Update Turquoise Collection_V2

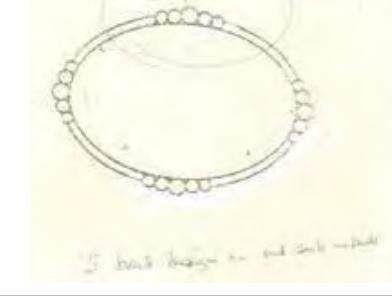
COMPANY : BENCHMARKBUCKLES

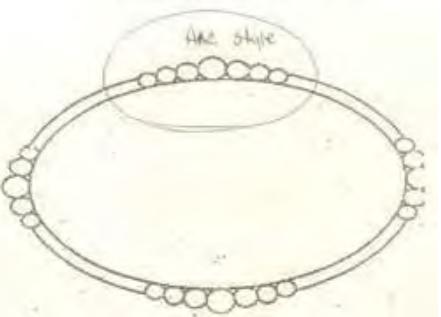
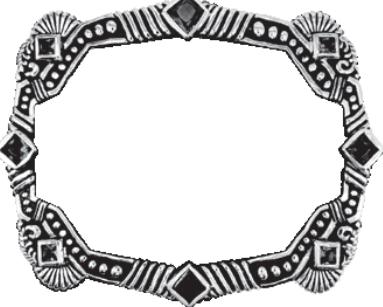
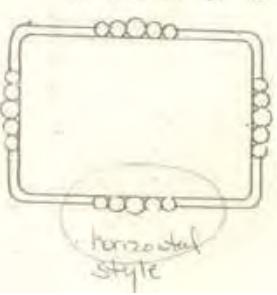
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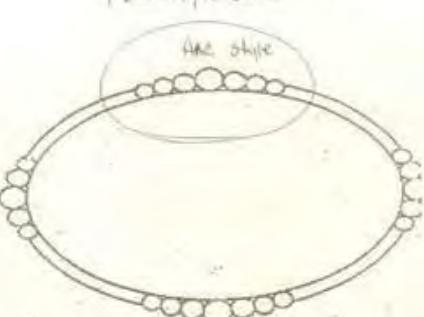
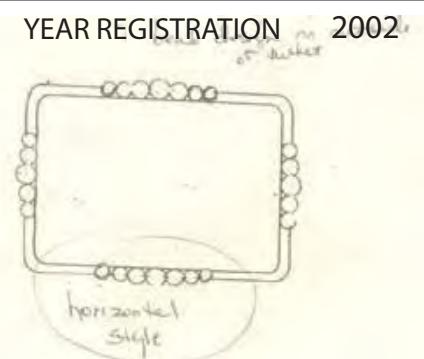
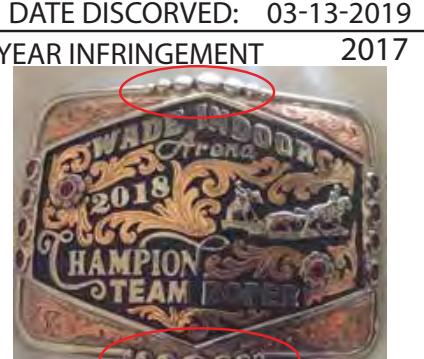
WEBSITE: WWW.BENCHMARKBUCKLES.COM

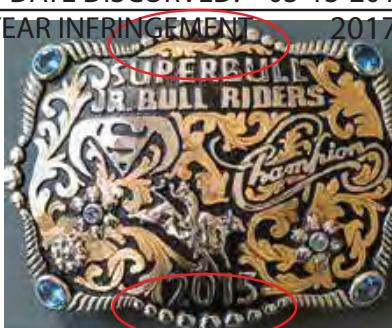
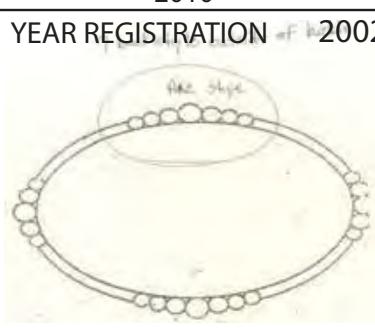
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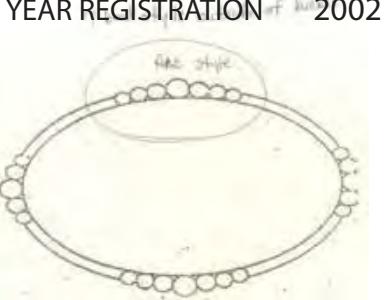
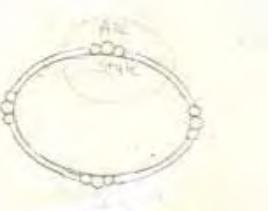
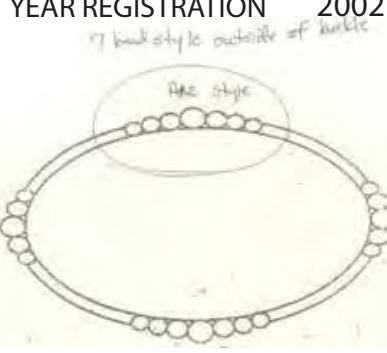
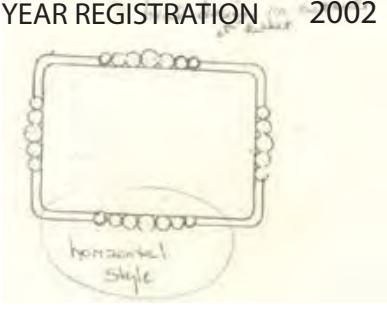
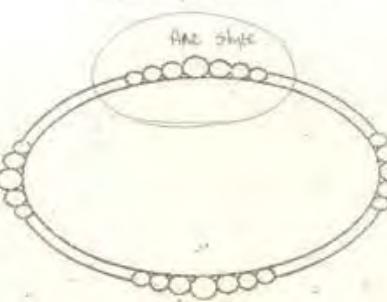
Email: CURTIS@BENCHMARKBUCKLES.COM

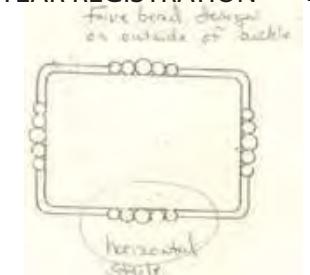
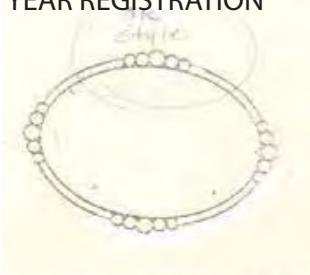
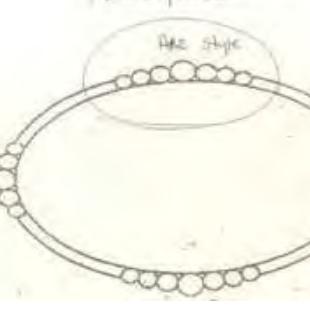
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YEAR INFRINGEMENT 2017  DATE DISCORVED: 03-13-2019	YEAR REGISTRATION 2017 	1- 4426515111

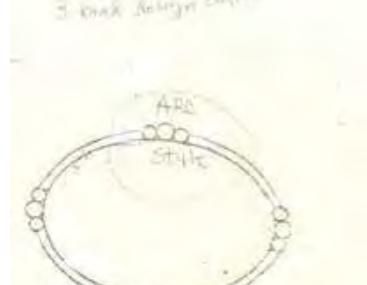
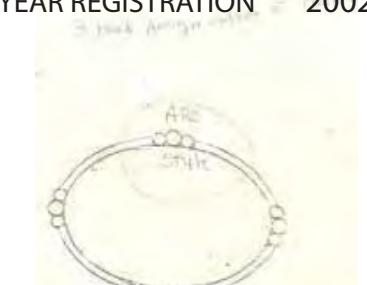
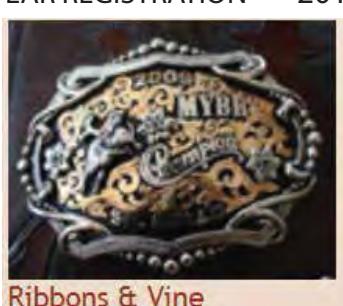
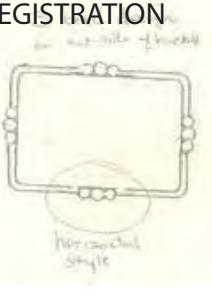
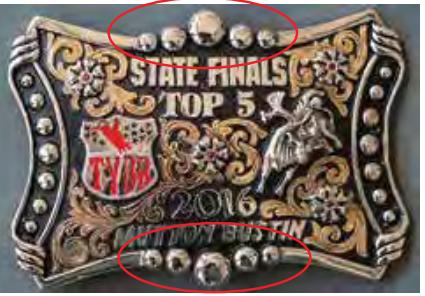
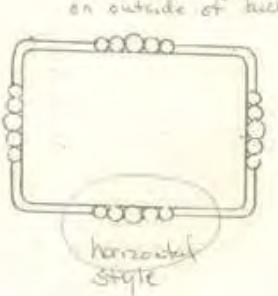
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YEAR INFRINGEMENT 2017 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 03-13-2019		
YEAR INFRINGEMENT 2017 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
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YEAR INFRINGEMENT 2017 	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
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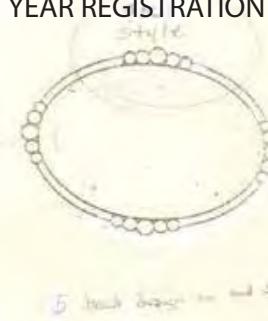
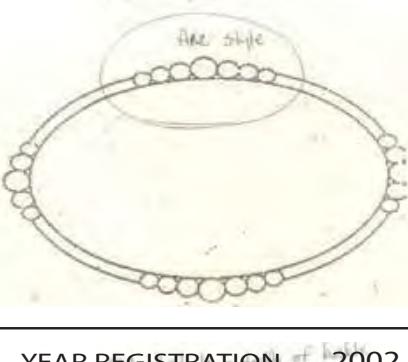
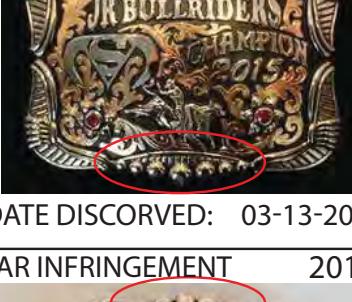
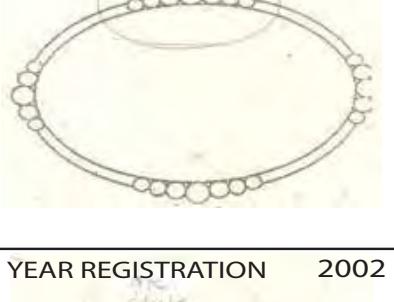
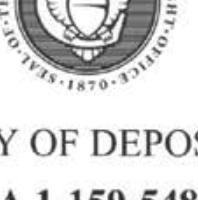
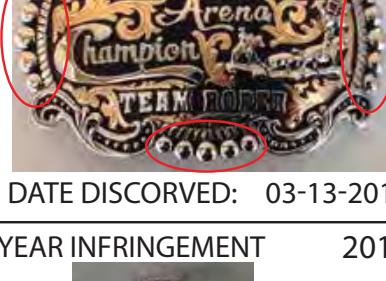
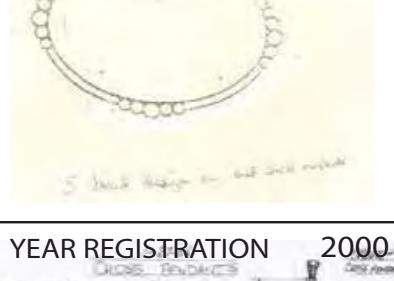
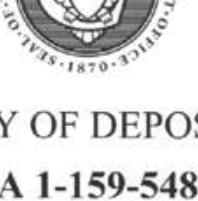
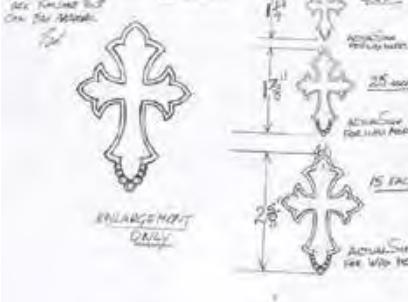
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DATE DISCORVED: 03-13-2019		
YEAR INFRINGEMENT 2017 	YEAR REGISTRATION 2002 	SEAL OF THE UNITED STATES COPYRIGHT OFFICE 1870 COPY OF DEPOSIT VA 1-159-548
DATE DISCORVED: 03-13-2019		
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DATE DISCORVED: 03-13-2019		
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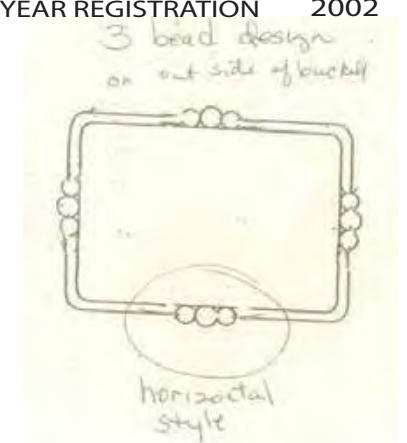
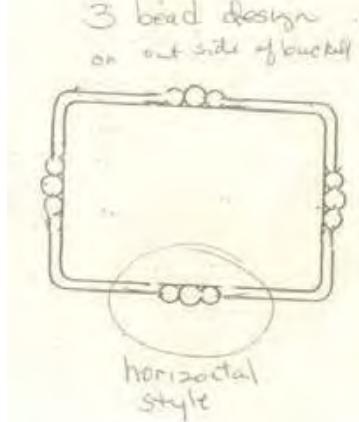
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YEAR INFRINGEMENT 2017  DATE DISCOVERED: 03-13-2019	YEAR REGISTRATION 2002  Arc style	 COPY OF DEPOSIT VA 1-159-548

BENCHMARK BUCKLES	COPYRIGHT	VA
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DATE DISCORVED: 03-13-2019		
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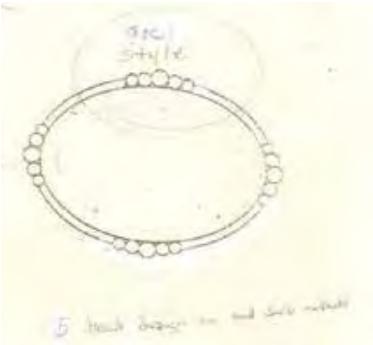
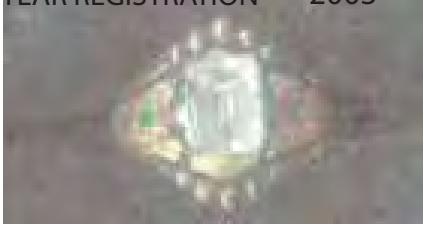
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BENCHMARK BUCKLES	COPYRIGHT	VA
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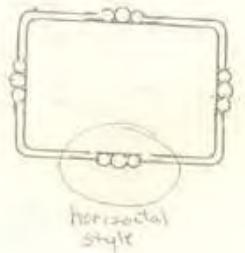
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DATE DISCORVED: 03-13-2019			

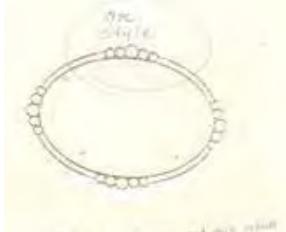
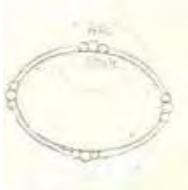
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DATE DISCORVED: 03-13-2019		COPY OF DEPOSIT VA 1-108-395
YEAR INFRINGEMENT 	2017 	YEAR REGISTRATION 2003 
DATE DISCORVED: 03-13-2019		COPY OF DEPOSIT VA 1-229-288
YEAR INFRINGEMENT 	2017 	YEAR REGISTRATION 2002 
DATE DISCORVED: 03-13-2019		COPY OF DEPOSIT VA 1-159-548
	 Cross 0927	BOBBERGDESIGNS.COM 2013

BENCHMARK BUCKLES	COPYRIGHT	VA
	 Cross 0945 Large Flared Crosses BOBBERGDESIGNS.COM 2014	
YEAR INFRINGEMENT DATE DISCORVED: 03-13-2019	YEAR REGISTRATION 	 COPY OF DEPOSIT VA 1-653-370
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	 Cross 0942 X-Small Flared Crosses BOBBERGDESIGNS.COM 2014	

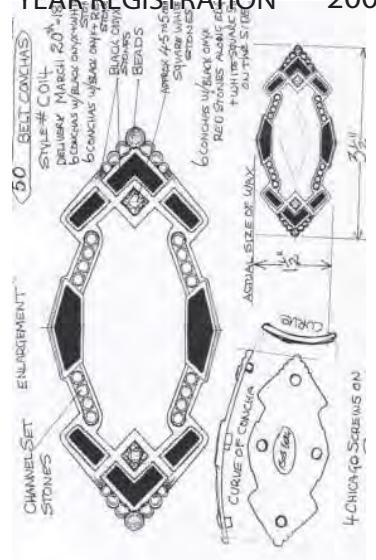
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DATE DISCORVED: 03-13-2019			
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DATE DISCORVED: 03-13-2019			
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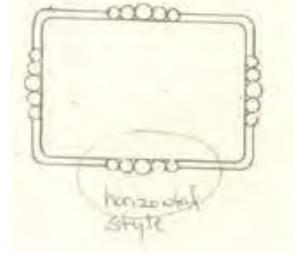
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YEAR INFRINGEMENT 2017 	YEAR REGISTRATION 2003 	 COPY OF DEPOSIT VA 1-229-288
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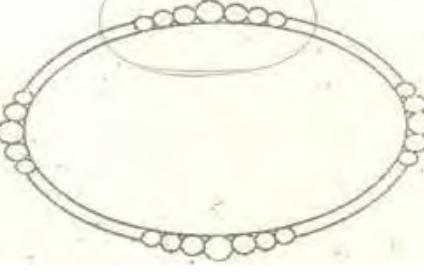
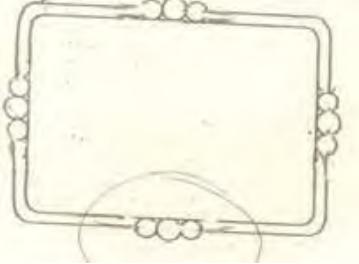
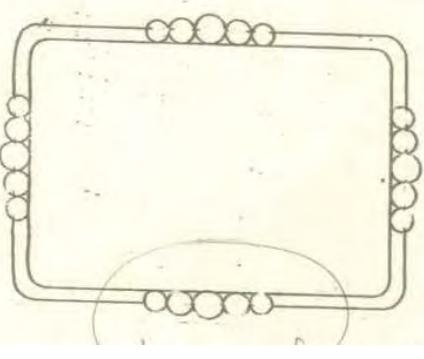
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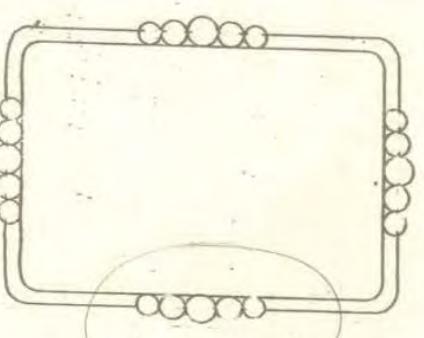
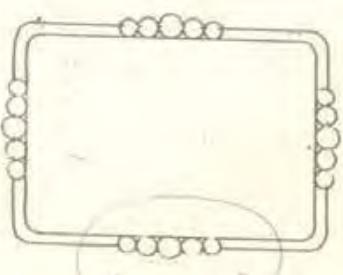
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YEAR INFRINGEMENT 2017  DATE DISCORVED: 03-13-2019	YEAR REGISTRATION 2000 	 COPY OF DEPOSIT VA 1-091-617
 Ancho Cowtown	 CO20 BOBBERGDESIGNS.COM 2014	
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BENCHMARK BUCKLES	COPYRIGHT	VA
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APR OCT OCT

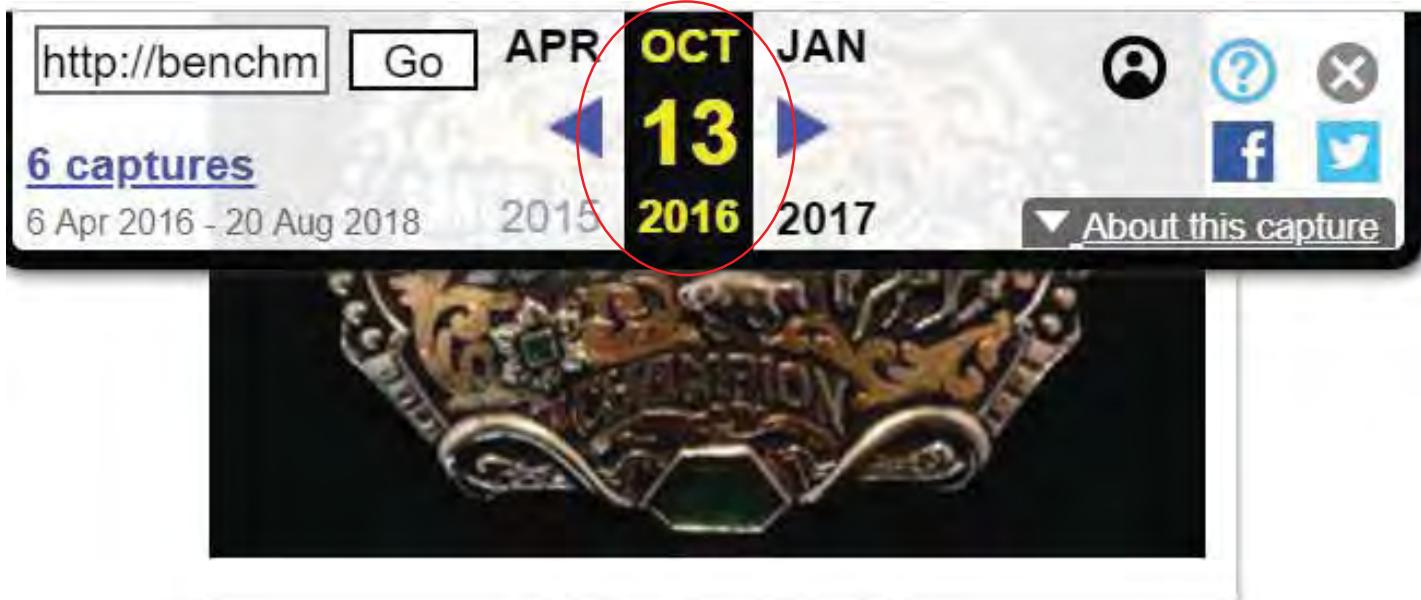
15 captures 13 2016

6 Apr 2016 - 5 Oct 2018 2015 2017



R18 - TRIPLE FLOWER RING (\$195)





Millionaire 5" x 4"



Mirage 4.5" x 3.25"



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2016



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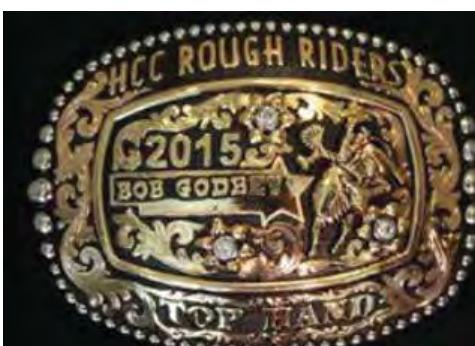
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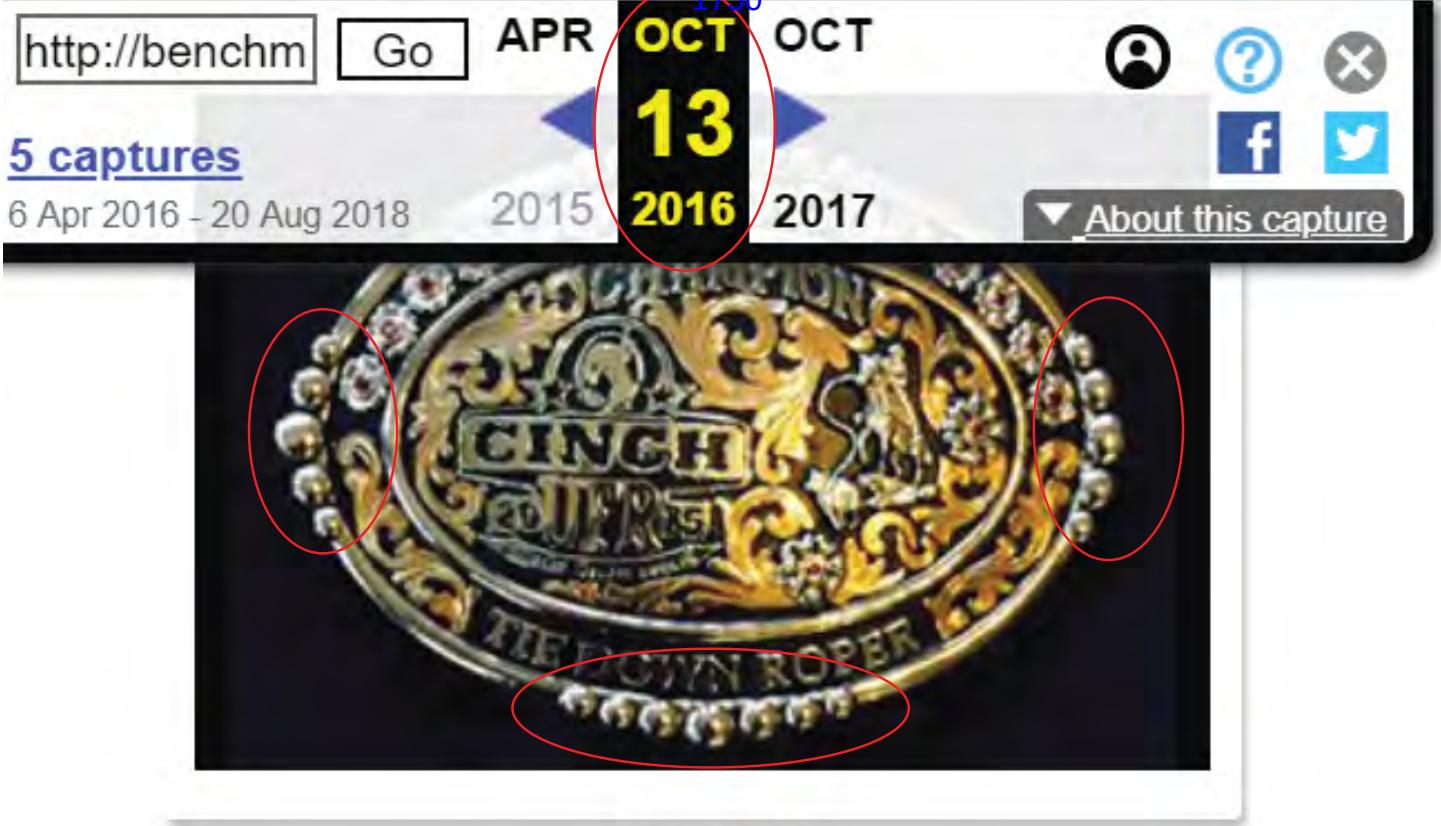
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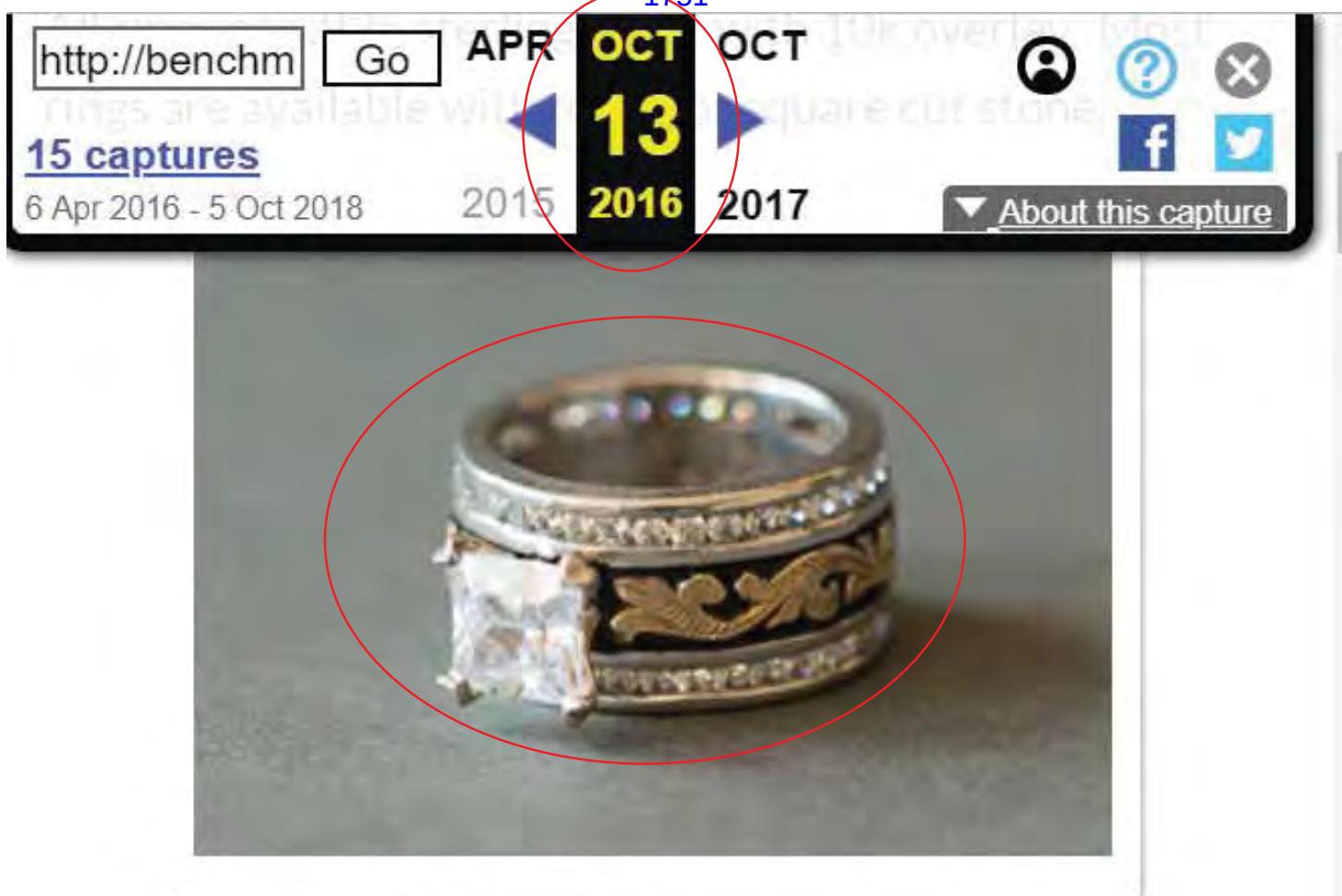
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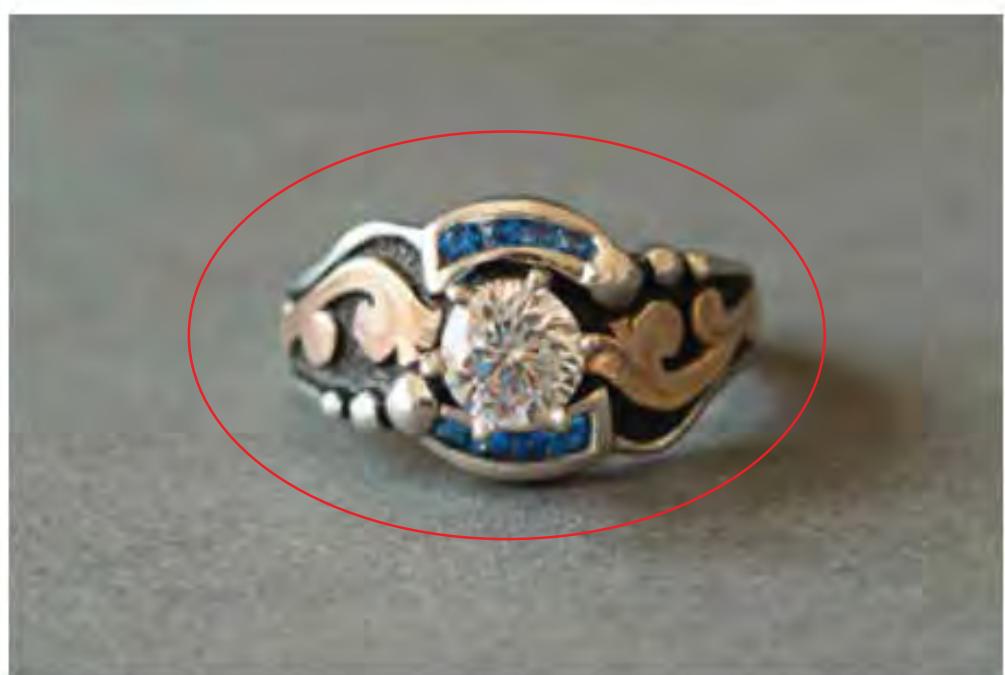
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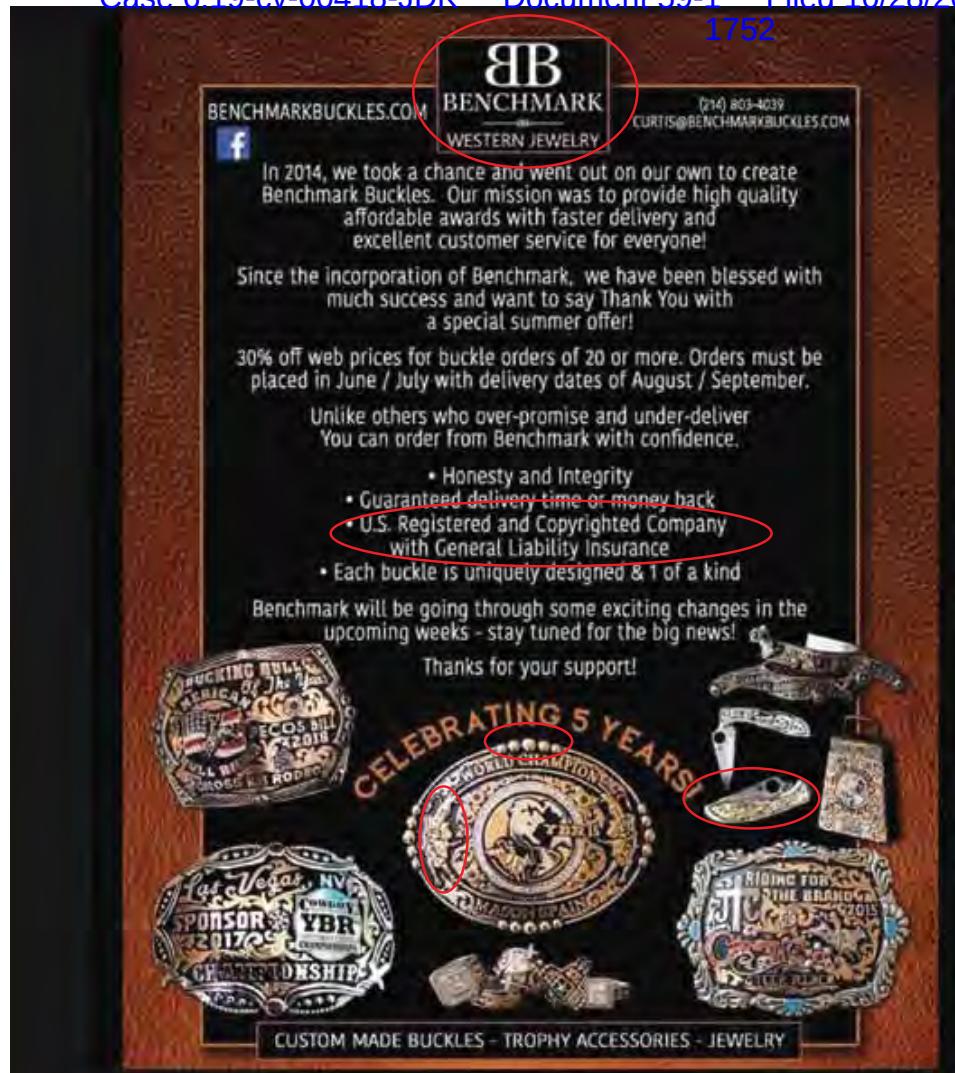


Double Barrel (5" x 4")



R24 - Double Channel (\$395)





97 INFRINGEMENTS COPYRIGHT



Benchmark Buckles

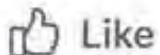
April 6 • 

Benchmark will have a booth this weekend at the Region 5 THSRA Finals in Nacogdoches! Good luck to all!

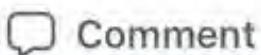


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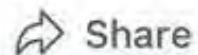
1 Comment



Like



Comment



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More Photos



Benchmark Buckles

May 7, 2017 •

Benchmark is at the Lone Star Finals in Athens, TX today.



Like

Comment

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Benchmark Buckles

April 26, 2016 •

Don't forget about Mother's Day!



Like

Comment

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More Photos

Donna Tilley Barrow > \$5,500 added
Barrels for TOTS & Troops
August 16, 2016 · 5

Buckles are in !! They are Beautiful!! Don't forget we giving buckles to each D winner in Open and Youth both Saturday and Sunday. Total of 18 buckles being give away.. And thanks to 2n1 Cattle & Equine, LLC. & the Segovia family for sponsoring our youth buckles. What a great family. And Terri Waters with Bob Berg Designs for our open buckles. Awesome company and a very awesome person!



Like Comment

Jennifer Goza and 67 others

3 shares

AJ Phoenix Beautiful

Write a comment...

0 0 0 0 0 0

Wates was fired /quit june 2016.

Here shown only 2 months

after waters had's bribed

my team to set up and supply

bergs designs + tradesecrets in may of 2016

after bergs moved factory location

Just as curtis spain + waters bribed

bergs manager in 20 september 2014

to take bergs factory in dis12 Sai Gon with

full production /molds /design

and \$100,000 in gold + silver

now 2nd factory corrupted

and taken by benchmark /waters /spain /corrientebuckle.

CRIMINAL INFRINGEMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT BERG, §
§
Plaintiff §
§
vs. § Case No. 6:19-cv-418-JDK
§
M&F WESTERN PRODUCTS, INC., §
§
Defendant. §

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April , 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Dated: March 4, 2020

Respectfully submitted,

By: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

*Attorneys for Defendant M & F Western
Products, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

John R. Hardin



From: Kimberly Cones <kbarsam@yahoo.com>

Sent: Friday, October 9, 2020 12:06 PM

To: Paul Eddins <paule@mfwestern.com>

Subject: Fw: LEGAL NOTICE

Attached is the email I received from Bob Berg regarding MF Western.

Kim Cones
(936) 435-4203
KbarSam Buckles & More
Please like/follow/share/review us on Facebook/Instagram

Begin forwarded message:

On Friday, March 27, 2020, 1:39 AM, Bob Berg <bobbergtitanium@gmail.com> wrote:

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Reprsenting:
BOB BERG DESIGNS
9595 River Road
College
Station, TX 77845
Monique Compton (Sales Director)
Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

KBarSam Buckles & More

Phone number: +1 936-435-4203

Email: kbarsam@yahoo.com

Greetings KBarSam Buckles & More,

My IT team has been working on your case over the last 3 months. Yourreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages
10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your

favor.

Your possible liability of infringements in pursuit of financial gain as follow:

7 X \$150,000 = \$1.050,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees
2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

--

Kind Regards,
Customer Service Department, Bob Berg Designs

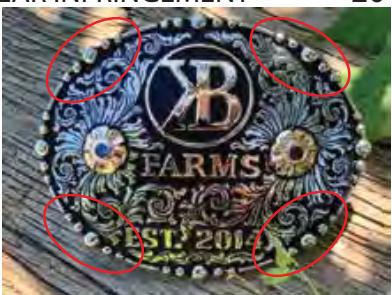
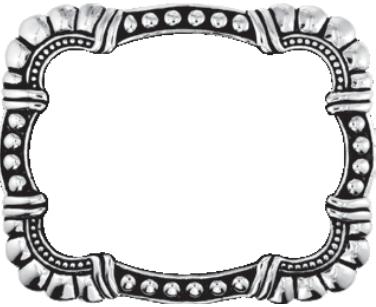
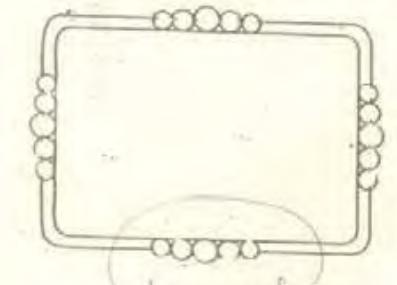
VA number	Date Registered	Title
VA0000292803	1988	Be like Jesus
VA0000530294	1992	Pecos . Cheyenne . Oval . Skull
VA0000547192	1993	Feather ; Crescent ; Small filigree
VA0000817815	1995	Bandera collection
VA0001076361	2000	[ProBull Rider champion cup]
VA0001091617	2000	Bob Berg jewelry
VA0001096096	2000	Pro bull rider champion buckle.
VA0001653343	2000	Bob Berg Concho Designs
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands
VA0001108395	2001	[Bob Berg jewelry · Bob Berg buckles]
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
VA0001667450	2004	New Buckle 001 - Non Symetrical
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001315067	2017	Update Turquoise Collection
VAu001312778	2017	Update Turquoise Collection_V2

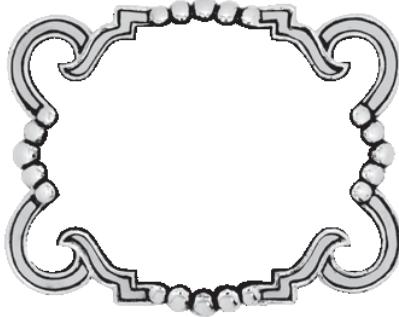
COMPANY: KBARSAM BUCKLES & MORE

Website: www.kbarsam.com

Phone number: +1 936-435-4203

Email: kbarsam@yahoo.com

KBARSAM BUCKLES & MORE	COPYRIGHT	VA
YEAR INFRINGEMENT 2019  DATE DISCORVED: 03-18-2019	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
YEAR INFRINGEMENT 2019  DATE DISCORVED: 03-18-2019	YEAR REGISTRATION 2017 	1-4426515111
YEAR INFRINGEMENT 2019  DATE DISCORVED: 03-18-2019	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548
YEAR INFRINGEMENT 2019  DATE DISCORVED: 03-18-2019	YEAR REGISTRATION 2001 	 COPY OF DEPOSIT VA 1-108-395

KBARSAM BUCKLES & MORE		COPYRIGHT		VA
YEAR INFRINGEMENT	2019	YEAR REGISTRATION	2001	 COPY OF DEPOSIT VA 1-108-395
DATE DISCORVED: 03-18-2019				 COPY OF DEPOSIT VA 1-091-617
YEAR INFRINGEMENT	2019	YEAR REGISTRATION	2017	1-5348356581
DATE DISCORVED: 03-18-2019				

all Verizon LTE 1:49 PM 45% 

all Verizon LTE 1:48 PM 45% 

all Verizon LTE 1:48 PM 45% 

KIM QUIT IN 1 FEBRUARY 2019

Media

Jun 6 at 5:09 PM 

all Verizon LTE 1:49 PM 45% 

all Verizon LTE 1:53 PM 47% 



Media

all Verizon LTE 8:49 PM 46% 

KBaSam Buckles & More added 8 new photos.

Jun 13 at 6:59 AM 

From Personal Farm buckles to Livestock Shows; Bull Ridings to Graduation/Class buckles; 4H/FFA to Chuckwagon Races; County Fairs to Sheep Shows... KbaSam Buckles has got you covered for your trophy buckle needs! 4-5 week Production to Delivery. #kbarsambuckles #bullriding #chisholmtrilyouthdorper #linncountyfair #4H #ffa #chuckwagonraces #trophyb 



 Call Now

all Verizon LTE 8:49 PM 46% 

KBaSam Buckles & More

Home Posts Reviews Videos Photos Events

KBaSam Buckles & More  January 24 

Thank you for choosing our buckle cups!

Kountze FFA  January 23 

Hey peeps it's almost that time!! Come out and see us February 2nd!!! Here is a sample of a few of the awards to be given out! We still have early e... 



 Call Now   

all Verizon LTE 8:49 PM 46% 

KBaSam Buckles & More

Home Posts Reviews Videos Photos Events

KBaSam Buckles & More  February 12 

Effective February 2, 2019, Kim Cones quit & is no longer affiliated with Bob Berg Designs. You may still contact her via messenger on this fb page to provide other Buckle & Trophy Awards.

 Call Now   

   Michelle Hamilton and 3 others 2 Comments 

 Call Now   

   KBaSam Buckles & More updated their cover photo. 

 Call Now   



KBarSam Buckles & More

JANUARY 13 S

 Message KBarSam Buckles & More



6 Comments

 Like

 Comment

 Share

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT BERG, §
§
Plaintiff §
§
vs. § Case No. 6:19-cv-418-JDK
§
M&F WESTERN PRODUCTS, INC., §
§
Defendant. §

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April , 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Dated: March 4, 2020

Respectfully submitted,

By: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

*Attorneys for Defendant M & F Western
Products, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

John R. Hardin

EXHIBIT C

From: Bob Berg <bobbergtitanium@gmail.com>
Sent: Friday, March 27, 2020 4:31 PM
To: sales@ridetuff.com
Subject: LEGAL NOTICE

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Reprsenting:
BOB BERG DESIGNS
9595 River Road
College Station, TX 77845
Monique Compton (Sales Director)
Phone Number: 979.412.3520
Email: bobbergtitanium@gmail.com

EDDY FISHER – RIDE TUFF

387 Paynters Creek Road NAMBOUR QLD 4560 AUSTRALIA

Phone number: 0427 764 424

Email: sales@ridetuff.com

Greetings Ride Tuff,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

58 X \$150,000 = \$8.700,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683
The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees

2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard,

BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

Ridetuff Buckles
Ph: 0427 764 424

From: Bob Berg <bobbergtitanium@gmail.com>
Sent: Friday, March 27, 2020 4:31 PM
To: sales@ridetuff.com
Subject: LEGAL NOTICE

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Representing:
BOB BERG DESIGNS
9595 River Road
College Station, TX 77845
Monique Compton (Sales Director)
Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

EDDY FISHER – RIDE TUFF

387 Paynters Creek Road NAMBOUR QLD 4560 AUSTRALIA

Phone number: 0427 764 424

Email: sales@ridetuff.com

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M&F liability 10 infringements may cost M&F 1.5 million in damages $10 \times \$150,000$

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

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Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

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$58 \times \$150,000 = \$8,700,000$

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my

attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

1. Attorney fees
2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

Paul Eddins

From: Paul Eddins
Sent: Friday, March 27, 2020 10:54 AM
To: Paul Eddins
Subject: FW: LEGAL NOTICE
Attachments: Attachment 3 Berg-v.-MF-Western-deposition-of-Mr.-Berg-064984-7008.pdf; Attachment 1 List of Bob Berg's Copyrights.jpg; Attached 2_Corriente Buckle Co.pdf

From: Paul Eddins
Sent: Friday, March 27, 2020 10:51 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: FW: LEGAL NOTICE

From: Corriente Buckle Co. <corrientebuckle@aol.com>
Sent: Friday, March 27, 2020 10:02 AM
To: Paul Eddins <paule@mfwestern.com>
Subject: Fwd: LEGAL NOTICE

Thank You,
Bode Baize
Corriente Buckle Co.
Tracey's Desk: 575-874-3697
Brittney's Desk: 915-497-5579
Bode's Cell: 915-497-5747
Fax: 575-874-3389
corrientebuckle@aol.com

-----Original Message-----

From: Bob Berg <bobbergtitanium@gmail.com>
To: corrientebuckle <corrientebuckle@aol.com>
Sent: Thu, Mar 26, 2020 11:28 pm
Subject: LEGAL NOTICE

Richard Liebowitz
Email Address: RL@liebowitzlawfirm.com
Phone number: (800) 778-1660 or 516-233-1660
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580-6111, USA
Liebowitz Law Firm, PLLC
Reprsenting:

BOB BERG DESIGNS
9595 River Road
College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

CORRIENTE BUCKLE CO.,

165 Hallas Road Anthony, New Mexico 88021

Email: corrientebuckle@aol.com

Phone number: +1 915-497-5747

Website: www.corrientebuckle.com

Greetings Corriente,

My IT team has been working on your case over the last 3 months. Yourreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

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Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

If proven willful by the court (Your facebook messages to my worker to supply in secret will be major consideration)

68 X \$150,000 = \$10.200,000 maximum possible penalties

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

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The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthal) ruling.

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2. Possible willful infringement damages
3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

--
Kind Regards,
Customer Service Department, Bob Berg Designs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT BERG,

Plaintiff

vs.

M&F WESTERN PRODUCTS, INC.,

Defendant.

Case No. 6:19-cv-418-JDK

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

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Dated: March 4, 2020

Respectfully submitted,

By: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

Attorneys for Defendant M & F Western Products, Inc.

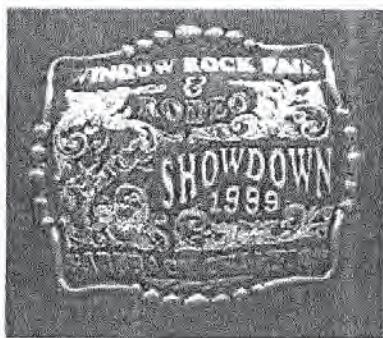
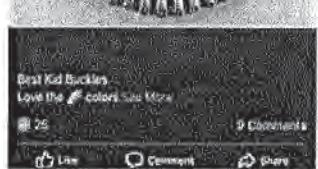
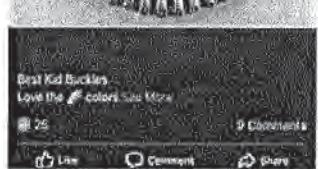
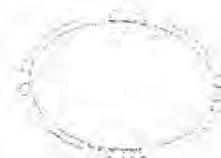
CERTIFICATE OF SERVICE

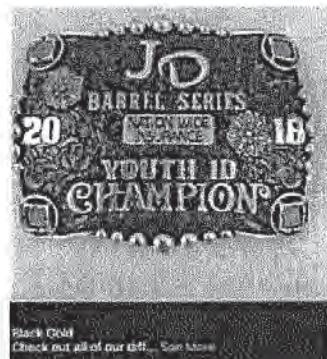
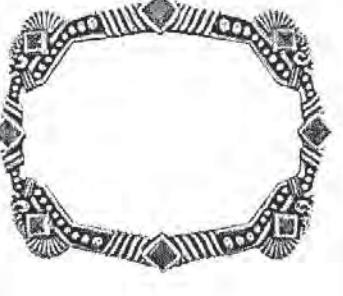
I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

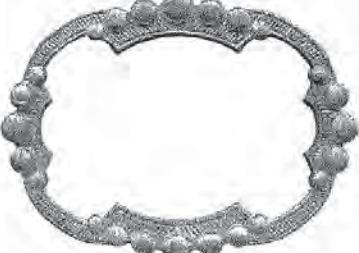
John R. Hardin

VA number	Date Registered	Title
VA0000292803	1988	Be like Jesus
VA0000530294	1992	Pecos . Cheyenne . Oval . Skull
VA0000547192	1993	Feather ; Crescent ; Small filigree
VA0000817815	1995	Bandera collection
VA0001076361	2000	[ProBull Rider champion cup]
VA0001091617	2000	Bob Berg jewelry
VA0001096096	2000	Pro bull rider champion buckle.
VA0001653343	2000	Bob Berg Concho Designs
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands
VA0001108395	2001	[Bob Berg jewelry ; Bob Berg buckles]
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
VA0001667450	2004	New Buckle 001 - Non Symetrical
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001315067	2017	Update Turquoise Collection
VAu001312778	2017	Update Turquoise Collection_V2

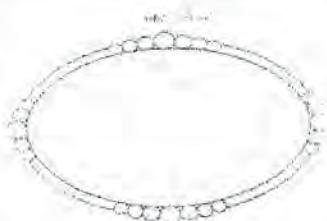
COMPANY: **CORRIENTE BUCKLE CO.**
Address: 165 Hallas Road Anthony, New Mexico 88021
Website: www.corrientebuckle.com
Phone number: +1 915-497-5747
Email: corrientebuckle@aol.com

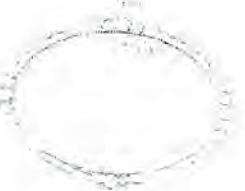
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YEAR INFRINGEMENT  DATE DISCORVED: 02-14-2019 	YEAR REGISTRATION  YEAR REGISTRATION  DATE DISCORVED: 02-14-2019 	2017 1-4426515111
YEAR INFRINGEMENT  CBE 269 DATE DISCORVED: 02-14-2019 	YEAR REGISTRATION  YEAR REGISTRATION  DATE DISCORVED: 02-14-2019 	2002  COPY OF DEPOSIT VA 1-159-548

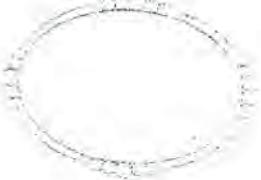
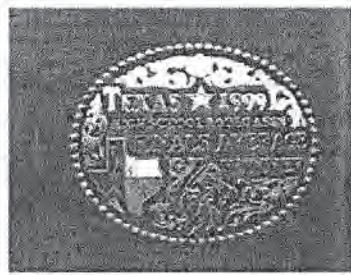
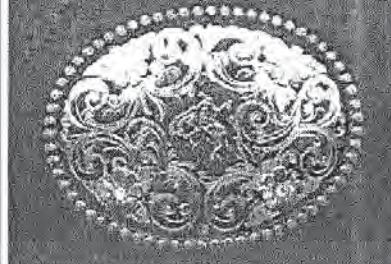
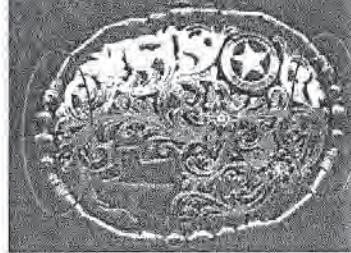
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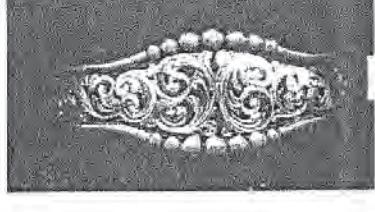
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YEAR INFRINGEMENT 2018  CBECON 108 \$ 85.00 DATE DISCORVED: 02-14-2019	YEAR REGISTRATION 2002 	 COPY OF DEPOSIT VA 1-159-548

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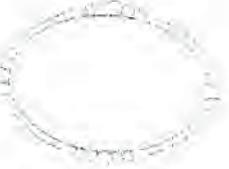
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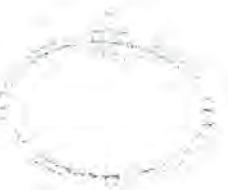
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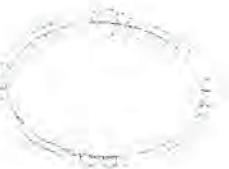
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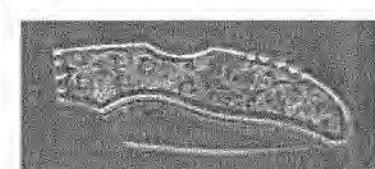
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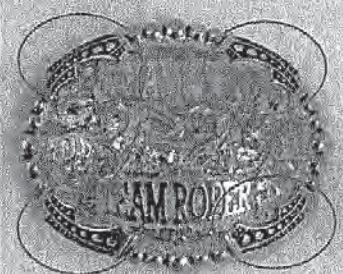
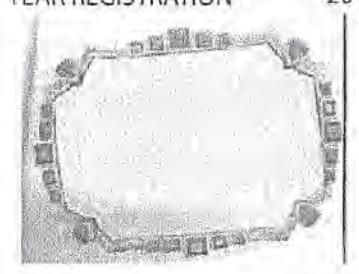
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YEAR INFRINGEMENT  CBE 235 DATE DISCORVED: 02-14-2019	YEAR REGISTRATION 	THE UNITED STATES, COPYRIGHT, 2002, VA 1-159-548 COPY OF DEPOSIT VA 1-159-548
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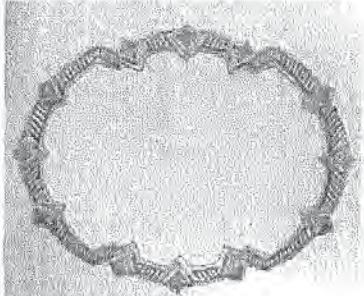
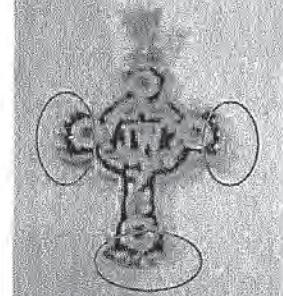
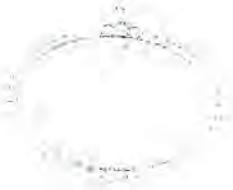
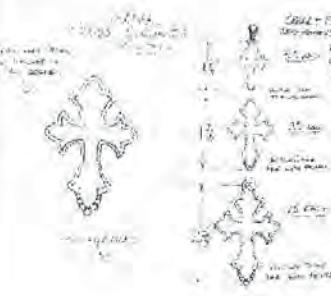
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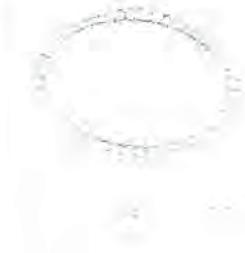
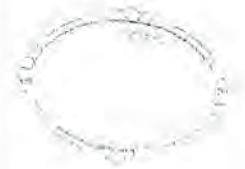
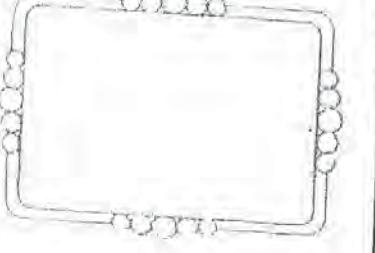
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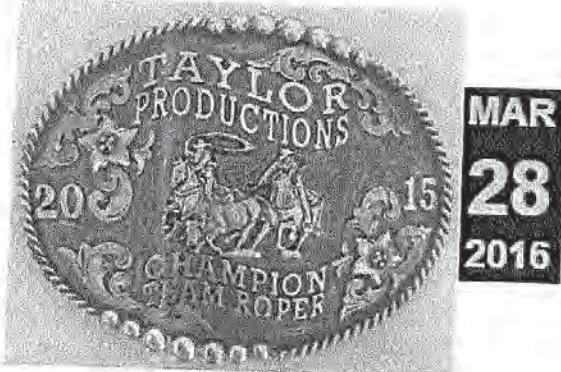
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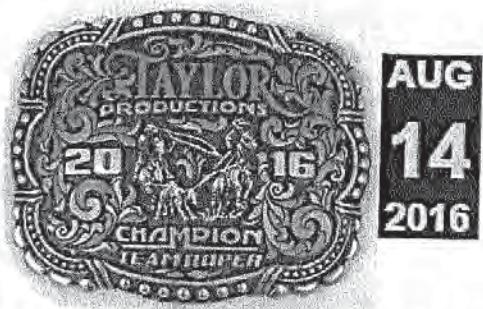
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